SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED SECOND GENERAL ASSEMBLY

87TH LEGISLATIVE DAY

THURSDAY, FEBRUARY 24, 2022

12:57 O'CLOCK P.M.

NO. 87
[February 24, 2022]

SENATE
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87th Legislative Day

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The Senate met pursuant to adjournment.
Senator Kimberly A. Lightford, Maywood, Illinois, presiding.
Silent prayer was observed by all members of the Senate.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, February 23, 2022, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Educational Mandates Report FY2021, submitted by the Illinois State Board of Education.

DHR Annual Report FY21, submitted by the Department of Human Rights.

2021 OSFM Annual Report, submitted by the State Fire Marshal.

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

LEGISLATIVE MEASURES FILED

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

Amendment No. 5 to Senate Bill 1633
Amendment No. 5 to Senate Bill 2535
Amendment No. 1 to Senate Bill 3082
Amendment No. 1 to Senate Bill 3158
Amendment No. 3 to Senate Bill 3720
Amendment No. 1 to Senate Bill 3792
Amendment No. 2 to Senate Bill 3792
Amendment No. 1 to Senate Bill 3917
Amendment No. 4 to Senate Bill 4028

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 863

Offered by Senator Crowe and all Senators:
Mourns the death of Jacob Botterbush of Hardin.

SENATE RESOLUTION NO. 864

Offered by Senator Martwick and all Senators:
Mourns the passing of William Paul "Bill" Colson, longtime Chicago area resident, recently of St. James City, Pine Island, Florida.

SENATE RESOLUTION NO. 865

Offered by Senator DeWitte and all Senators:
Mourns the passing of Dr. Robert D. Erickson of Elgin.

SENATE RESOLUTION NO. 866

Offered by Senator Rezin and all Senators:

Mourns the passing of Philip A. "Phil" Ortiz, O.D.

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

REPORTS FROM STANDING COMMITTEES

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

Senate Amendment No. 1 to Senate Bill 705
Senate Amendment No. 1 to Senate Bill 3184

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

Senator Glowiak Hilton, Chair of the Committee on Commerce, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 3838

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

Senator Hastings, Chair of the Committee on Energy and Public Utilities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 3613
Senate Amendment No. 1 to Senate Bill 3790
Senate Amendment No. 1 to Senate Bill 3866
Senate Amendment No. 2 to Senate Bill 3866

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

Senator Bush, Chair of the Committee on Environment and Conservation, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 3073
Senate Amendment No. 2 to Senate Bill 3633
Senate Amendment No. 1 to Senate Bill 3905

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

Senator Bush, Chair of the Committee on Environment and Conservation, to which was referred **Senate Joint Resolution No. 44**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 44** was placed on the Secretary's Desk.

INTRODUCTION OF BILLS

SENATE BILL NO. 4179. Introduced by Senator Anderson, a bill for AN ACT concerning education.

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

SENATE BILL NO. 4180. Introduced by Senator Bryant, a bill for AN ACT concerning education.

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

SENATE BILL NO. 4181. Introduced by Senator Tracy, a bill for AN ACT concerning revenue.

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

SENATE BILL NO. 4182. Introduced by Senator Barickman, a bill for AN ACT concerning revenue.

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

SENATE BILL NO. 4183. Introduced by Senator Morrison, a bill for AN ACT concerning revenue.

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

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 passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4158

A bill for AN ACT concerning civil law.

Passed the House, February 24, 2022.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bill No. 4158** was taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4158, sponsored by Senator Feigenholtz, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4173, sponsored by Senator Landek, was taken up, read by title a first time and referred to the Committee on Assignments.

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

At the hour of 1:10 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 1:59 o'clock p.m., the Senate resumed consideration of business.

Senator Lightford, presiding.

PRESENTATION OF RESOLUTION

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

SENATE RESOLUTION NO. 867

WHEREAS, The State of Illinois established a sister-state relationship with Taiwan, the Republic of China (R.O.C.) in 1992, and Illinois and Taiwan have enjoyed strong bilateral trade, educational and cultural exchanges, and tourism; and

WHEREAS, Taiwan shares the same values of freedom, democracy, human rights, the rule of law, peace, and prosperity with the United States and the State of Illinois; and

WHEREAS, The United States ranks as Taiwan's second-largest trading partner; Taiwan is the eighth-largest trading partner of the United States, and bilateral trade reached more than US$ 856 billion in 2021; and

WHEREAS, Taiwan and the State of Illinois have enjoyed a long and mutually beneficial relationship with the prospect of future growth, and Taiwan was Illinois's seventh-largest export market in Asia in 2020 with US$ 673 million worth of Illinois goods exported to Taiwan; and

WHEREAS, To strengthen the Taiwan-Illinois bilateral economic relationship, it is essential to support Illinois businesses to enhance their economic engagement with Taiwan based on the 1979 Taiwan Relations Act (TRA, Public Law 96-8, 22 USC 3301); as Article 4 Section b of the TRA stipulates that "wherever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan"; it is legitimate for Illinois businesses to refer to Taiwan as Taiwan in conducting their business ties with Taiwan; and

WHEREAS, Negotiations for a Bilateral Trade Agreement (BTA) between Taiwan and the United States are an important step toward further strengthening bilateral trade between our countries, thereby increasing Illinois's exports to Taiwan and creating bilateral investment and technical collaboration through tariff reduction and other trade facilitation measures; and

WHEREAS, Taiwan has undertaken a policy of "steadfast diplomacy" in its international relations; Taiwan is capable of, and willing to, fulfill its responsibilities and to collaborate with the world to deal with the challenges of humanitarian aid, disease control, and so forth; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we reaffirm our commitment to the strengthening and deepening of the sister ties between the State of Illinois and Taiwan, R.O.C.; and be it further

RESOLVED, That we reaffirm our support for the Taiwan Relations Act and support Illinois businesses referring to Taiwan, R.O.C. as Taiwan; and be it further

RESOLVED, That we endorse Taiwan's efforts to secure the signing of a Bilateral Trade Agreement (BTA) with the United States and reiterate our support for a closer economic and trade partnership between the State of Illinois and Taiwan; and be it further

RESOLVED, That we continue to support Taiwan's meaningful participation in international organizations that impact the health, safety, and well-being of the people of Taiwan and support Taiwan's aspiration to make more contributions in international societies.

COMMITTEE REPORT CORRECTION

On February 23, 2022, the Senate Committee on Executive Appointments inadvertently omitted **Appointment Message No. 1020028** from its report to the Senate. **Appointment Message No. 1020028** should have been reported to the Senate with a recommendation of Do Consent.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Koehler, **Senate Bill No. 2940** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Energy and Public Utilities.

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

On motion of Senator Bush, **Senate Bill No. 3120** having been printed, was taken up, read by title a second time.

Committee Amendment Nos. 1 and 2 were postponed in the Committee on Labor.

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

AMENDMENT NO. 3 TO SENATE BILL 3120

AMENDMENT NO. 3 . Amend Senate Bill 3120 by replacing everything after the enacting clause with the following:

"Section 5. The Child Bereavement Leave Act is amended by changing Sections 1, 5, and 10 as follows:

(820 ILCS 154/1)

Sec. 1. Short title. This Act may be cited as the Family ~~Child~~ Bereavement Leave Act.

(Source: P.A. 99-703, eff. 7-29-16.)

(820 ILCS 154/5)

Sec. 5. Definitions. In this Act:

"Assisted reproduction" means a method of achieving a pregnancy through an artificial insemination or an embryo transfer and includes gamete and embryo donation. "Assisted reproduction" does not include any pregnancy achieved through sexual intercourse.

"Child" means an employee's son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

"Covered family member" means an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

"Department" means the Department of Labor.

"Domestic partner", used with respect to an unmarried employee, includes:

(1) the person recognized as the domestic partner of the employee under any domestic partnership or civil union law of a state or political subdivision of a state; or

(2) an unmarried adult person who is in a committed, personal relationship with the employee, who is not a domestic partner as described in paragraph (1) to or in such a relationship with any other person, and who is designated to the employee's employer by such employee as that employee's domestic partner.

"Department" means the Department of Labor.

"Employee" means eligible employee, as defined by Section 101(2) of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

"Employer" means employer, as defined by Section 101(4) of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(Source: P.A. 99-703, eff. 7-29-16.)

(820 ILCS 154/10)

Sec. 10. Bereavement Leave.

(a) All employees shall be entitled to use a maximum of 2 weeks (10 work days) of unpaid bereavement leave to:

(1) attend the funeral or alternative to a funeral of a covered family member ~~child~~;

(2) make arrangements necessitated by the death of the covered family member; ~~child; or~~

(3) grieve the death of the covered family member; or ~~child.~~

(4) be absent from work due to (i) a miscarriage; (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure; (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party; (iv) a failed surrogacy agreement; (v) a diagnosis that negatively impacts pregnancy or fertility; or (vi) a stillbirth.

(b) Bereavement leave under subsection (a) of this Section must be completed within 60 days after the date on which the employee receives notice of the death of the covered family member or the date on which an event listed under paragraph (4) of subsection (a) occurs ~~child~~.

(c) An employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take bereavement leave, unless providing such notice is not reasonable and practicable.

(d) An employer may, but is not required to, require reasonable documentation. Documentation may include a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency. For leave resulting from an event listed under paragraph (4) of subsection (a), reasonable documentation shall include a form, to be provided by the Department, to be filled out by a health care practitioner who has treated the employee or the employee's spouse or domestic partner, or surrogate, for an event listed under paragraph (4) of subsection (a), or documentation from the adoption or surrogacy organization that the employee worked with related to an event listed under paragraph (4) of subsection (a), certifying that the employee or his or her spouse or domestic partner has experienced an event listed under paragraph (4) of subsection (a). The employer may not require that the employee identify which category of event the leave pertains to as a condition of exercising rights under this Act.

(e) In the event of the death of more than one covered family member ~~child~~ in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period. This Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(Source: P.A. 99-703, eff. 7-29-16.)".

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Belt, **Senate Bill No. 3184** having been printed, was taken up, read by title a second time.

Senator Belt offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3184

AMENDMENT NO. 1 . Amend Senate Bill 3184 on page 21, line 17, by replacing "waterfowl" with "waterfowl; except that nothing in this subsection shall prohibit the use of unmanned aircraft in the inspection of a public utility facility, tower, or structure or a mobile service facility, tower, or structure by a public utility, as defined in Section 3-105 of the Public Utilities Act, or a provider of mobile services as defined in Section 153 of Title 47 of the United States Code".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Connor, **Senate Bill No. 3488** 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 3488

AMENDMENT NO. 1 . Amend Senate Bill 3488 by replacing everything after the enacting clause with the following:

"Section 5. The River Edge Redevelopment Zone Act is amended by changing Section 10-5.3 as follows:

(65 ILCS 115/10-5.3)

Sec. 10-5.3. Certification of River Edge Redevelopment Zones.

(a) Approval of designated River Edge Redevelopment Zones shall be made by the Department by certification of the designating ordinance. The Department shall promptly issue a certificate for each zone

upon its approval. The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto, and shall be filed in the office of the Secretary of State. A certified copy of the River Edge Redevelopment Zone Certificate, or a duplicate original thereof, shall be recorded in the office of the recorder of deeds of the county in which the River Edge Redevelopment Zone lies.

(b) A River Edge Redevelopment Zone shall be effective upon its certification. The Department shall transmit a copy of the certification to the Department of Revenue, and to the designating municipality. Upon certification of a River Edge Redevelopment Zone, the terms and provisions of the designating ordinance shall be in effect, and may not be amended or repealed except in accordance with Section 10-5.4.

(c) A River Edge Redevelopment Zone shall be in effect for the period stated in the certificate, which shall in no event exceed 30 calendar years. Zones shall terminate at midnight of December 31 of the final calendar year of the certified term, except as provided in Section 10-5.4.

(d) In calendar years 2006 and 2007, the Department may certify one pilot River Edge Redevelopment Zone in the City of East St. Louis, one pilot River Edge Redevelopment Zone in the City of Rockford, and one pilot River Edge Redevelopment Zone in the City of Aurora.

In calendar year 2009, the Department may certify one pilot River Edge Redevelopment Zone in the City of Elgin.

On or after the effective date of this amendatory Act of the 97th General Assembly, the Department may certify one additional pilot River Edge Redevelopment Zone in the City of Peoria.

On or after the effective date of this amendatory Act of the 102nd General Assembly, the Department may certify 3 additional pilot River Edge Redevelopment Zones, including one in the City of Joliet, one in the City of Kankakee, and one in the City of Lockport.

After certifying the additional pilot River Edge Redevelopment Zones authorized by the above paragraphs, ~~Thereafter~~ the Department may not certify any additional River Edge Redevelopment Zones, but it may amend and rescind certifications of existing River Edge Redevelopment Zones in accordance with Section 10-5.4, except that no River Edge Redevelopment Zone may be extended on or after the effective date of this amendatory Act of the 97th General Assembly. Each River Edge Redevelopment Zone in existence on the effective date of this amendatory Act of the 97th General Assembly shall continue until its scheduled termination under this Act, unless the Zone is decertified sooner. At the time of its term expiration each River Edge Redevelopment Zone will become an open enterprise zone, available for the previously designated area or a different area to compete for designation as an enterprise zone. No preference for designation as a Zone will be given to the previously designated area.

(e) A municipality in which a River Edge Redevelopment Zone has been certified must submit to the Department, within 60 days after the certification, a plan for encouraging the participation by minority persons, women, persons with disabilities, and veterans in the zone. The Department may assist the municipality in developing and implementing the plan. The terms "minority person", "woman", and "person with a disability" have the meanings set forth under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. "Veteran" means an Illinois resident who is a veteran as defined in subsection (h) of Section 1491 of Title 10 of the United States Code.
(Source: P.A. 100-391, eff. 8-25-17.)

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 Bush, **Senate Bill No. 3626** having been printed, was taken up, read by title a second time.

Committee Amendment Nos. 1 and 2 were postponed in the Committee on State Government.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3626

AMENDMENT NO. 3 . Amend Senate Bill 3626 by replacing everything after the enacting clause with the following:

"Section 5. The Solid Waste Site Operator Certification Law is amended by changing Sections 1004, 1005, 1006, 1007, 1009, 1010, and 1011 as follows:

(225 ILCS 230/1004) (from Ch. 111, par. 7854)

Sec. 1004. Prohibition. Beginning January 1, 1992, no person shall cause or allow the operation of a landfill permitted or required to be permitted by the Agency unless the landfill has on its operational staff at least one natural person certified as competent by the Agency under the provisions of this Act.

(a) For landfill sites which accept non-hazardous solid waste ~~other than clean construction or demolition debris~~, the landfill shall have a ~~Class A~~ Solid Waste Site Operator certified by the Agency who is responsible for directing landfill operations or supervising other operational staff in performing landfill operations.

(b) (Blank). ~~For landfill sites which accept only clean construction or demolition debris, the landfill shall have a Class A or B Solid Waste Site Operator certified by the Agency who is responsible for directing landfill operations or supervising other operational staff in performing landfill operations.~~

(c) For landfill sites which accept special waste, the landfill shall have a ~~Class A~~ Solid Waste Site Operator certified by the Agency who has received a certification endorsement for the acceptance of special waste and who is responsible for directing landfill operations or supervising other operational staff in performing landfill operations.

(Source: P.A. 86-1363.)

(225 ILCS 230/1005) (from Ch. 111, par. 7855)

Sec. 1005. Agency authority. The Agency is authorized to exercise the following functions, powers and duties with respect to solid waste site operator certification:

(a) To conduct examinations, as well as to approve the use of examinations conducted by third parties, to ascertain the qualifications of applicants for certificates of competency as solid waste site operators;

(b) To conduct courses of training on the practical aspects of the design, operation and maintenance of sanitary landfills;

(c) To issue a certificate to any applicant who has satisfactorily met all the requirements pertaining to a certificate of competency as a solid waste site operator;

(d) To suspend, revoke or refuse to issue any certificate for any one or any combination of the following causes:

(1) The practice of any fraud or deceit in obtaining or attempting to obtain a certificate of competency;

(2) Negligence or misconduct in the operation of a sanitary landfill;

(3) Repeated failure to comply with any of the requirements applicable to the operation of a sanitary landfill, except for Board requirements applicable to the collection of litter;

(4) Repeated violations of federal, State or local laws, regulations, standards, or ordinances regarding the operation of refuse disposal facilities or sites;

(5) For a holder of a certificate, conviction in this or another State of any crime which is a felony under the laws of this State or conviction of a felony in a federal court; for an applicant, consideration of such conviction shall be in accordance with Section 1005-1;

(6) Proof of gross carelessness or incompetence in handling, storing, processing, transporting, or disposing of any hazardous waste; or

(7) Being declared to be a person under a legal disability by a court of competent jurisdiction and not thereafter having been lawfully declared to be a person not under legal disability or to have recovered.

(e) To adopt rules necessary to perform its functions, powers, and duties with respect to solid waste site operator certifications.

(Source: P.A. 100-286, eff. 1-1-18.)

(225 ILCS 230/1006) (from Ch. 111, par. 7856)

Sec. 1006. Certification ~~classifications~~. Solid Waste Site Operators shall be certified in accordance with the following ~~classifications~~:

(a) ~~Class "A"~~ Solid Waste Site Operator certificates shall be issued to those persons who in accordance with the provisions of this Section demonstrate a practical working knowledge of the design, operation, and maintenance of sanitary landfills in the following areas:

(1) unloading, spreading, and compacting of waste, litter collection, and vector abatement;

(2) traffic control of vehicles delivering waste;

(3) application, maintenance, and inspection of cover and cover requirements under Board rules and Agency permits;

(4) fire control, on-site personnel safety requirements, and contingency plan implementation;

(5) leachate control operation, leachate management, and landfill gas management;

(6) identification of classes of waste;

(7) causes for revocation or suspension of certificates;

(8) reporting and recordkeeping required by Board and Agency regulations and Agency permits;

(9) financial assurance and groundwater monitoring requirements;

(10) development and implementation of contingency plans, closure plans, post closure plans, and corrective action; and

(11) requirements for payment of fees.

(b) (Blank). ~~Class "B" Solid Waste Operator Certificates shall be issued to those persons who demonstrate a practical working knowledge of the design, operation, and maintenance of landfill sites accepting only clean construction or demolition debris in the following areas:~~

~~(1) unloading and spreading of waste;~~

~~(2) traffic control of vehicles delivering waste;~~

~~(3) application, maintenance, and inspection of cover and cover requirement under Board rules and Agency permits;~~

~~(4) fire control, on-site personnel safety segments and contingency plan implementation;~~

~~(5) leachate control operation and leachate management;~~

~~(6) identification of classes of waste;~~

~~(7) causes for revocation or suspension of certificates;~~

~~(8) reporting and recordkeeping required by Board and Agency regulations and Agency permits;~~

~~(9) financial assurance and groundwater requirements; and~~

~~(10) development and implementation of contingency plans, closure plans, post closure plans, and corrective action.~~

(c) Special waste certificate endorsements shall be issued to those persons who are certified as ~~Class A~~ Solid Waste Site Operators in accordance with the provisions of this Section, and who demonstrate a practical working knowledge of the design, operation, and maintenance of sanitary landfills relative to the acceptance and disposal of special wastes.

(Source: P.A. 86-1363.)

(225 ILCS 230/1007) (from Ch. 111, par. 7857)

Sec. 1007. Qualifications. Every solid waste site operator certified by the Agency shall be capable of performing his duties without endangering the public health or the environment and without violating the requirements applicable to operation of sanitary landfills; shall be able to read and write English; shall produce evidence acceptable to the Agency as to his ability to maintain and operate properly the structures and equipment entrusted to his care; and shall satisfactorily demonstrate to the Agency a practical working knowledge of the design, operation, and maintenance of sanitary landfills ~~appropriate to the classification for which certification is sought~~. In addition, persons shall be certified ~~as Class "A" or Class "B"~~ based on level of competency determined by examination and in accordance with educational and experience levels as follows:

~~(a) Class "A" Certificates.~~

(1) Graduation from high school or equivalent and not less than 2 years of acceptable study, training, and responsible experience in sanitary landfill operation or management, or not less than 7 years of acceptable study training and responsible experience in operation or management of earth moving equipment; or

(2) Grammar school completion or equivalent and not less than 15 years of acceptable study, training, and responsible experience in sanitary landfill operation or management.

~~(b) Class "B" Certificates.~~

~~(1) Graduation from high school or equivalent and not less than 6 months of acceptable study, training, and responsible experience in sanitary landfill operation or management, or not less than 3 years of acceptable study training and responsible experience in operation or management of earth moving equipment; or~~

~~(2) Grammar school completion or equivalent and not less than 5 years of acceptable study, training, and responsible experience in sanitary landfill operation or management.~~

(Source: P.A. 86-1363.)

(225 ILCS 230/1009) (from Ch. 111, par. 7859)

Sec. 1009. Examinations.

(a) Applicants shall undergo examinations ~~Examinations~~ provided or approved by the Agency ~~shall be given to applicants~~ for the purpose of determining if the applicants can demonstrate a practical working knowledge of the design, operation, and maintenance of sanitary landfills ~~appropriate to the classification for which certification is sought~~. No certificate shall be issued prior to successful completion of the applicable examination.

(b) Examinations ~~shall be~~ conducted or approved by the Agency~~, and~~ shall be held not less frequently than annually. The Agency shall maintain on its website information regarding the examinations~~, at times and places prescribed by the Agency, of which applicants shall be notified in writing~~.

(Source: P.A. 86-1363.)

(225 ILCS 230/1010) (from Ch. 111, par. 7860)

Sec. 1010. Certificates.

(a) The Solid Waste Site Operator Certificate shall certify the competency of the applicant ~~within the class of the certificate issued,~~ and shall show the full name of the applicant, have an identifying number, and be signed by the Director.

(b) Certificates shall be issued for a period of 3 years, with the expiration date being 3 years from the first day of October of the calendar year in which the certificate is issued.

(c) Every 3 years, on or before the October 1 expiration, a certified solid waste site operator shall renew his certificate of competency and pay the required renewal fee. A grace period for renewal will be granted until November 1 of that year before the reinstatement penalty is assessed.

(d) At the time of certificate renewal, the applicant shall certify the completion of 15 hours of continuing education covering the operation of landfills during the preceding 3 years. Continuing education used to satisfy this subsection must be approved by the Agency and must cover the design, operation, and maintenance of sanitary landfills as set forth in Section 1006 of this Act, and for certificates that include a special waste endorsement, continuing education must cover the operation of landfills relative to the acceptance and disposal of special wastes ~~demonstrate competency in the same manner as a new applicant~~.

(Source: P.A. 86-1363.)

(225 ILCS 230/1011) (from Ch. 111, par. 7861)

Sec. 1011. Fees.

(a) Fees for the issuance or renewal of a Solid Waste Site Operator Certificate shall be as follows:

(1)(A) $400 for issuance or renewal for ~~Class A~~ Solid Waste Site Operators;

(B) (blank); and ~~$200 for issuance or renewal for Class B Solid Waste Site Operators; and~~

(C) $100 for issuance or renewal for special waste endorsements.

(2) If the fee for renewal is not paid within the grace period the above fees for renewal shall each be increased by $ 50.

(b) (Blank). ~~Before the effective date of this amendatory Act of the 98th General Assembly, all fees collected by the Agency under this Section shall be deposited into the Hazardous Waste Occupational Licensing Fund. The Agency is authorized to use monies in the Hazardous Waste Occupational Licensing Fund to perform its functions, powers, and duties under this Section.~~

(c) All ~~On and after the effective date of this amendatory Act of the 98th General Assembly, all~~ fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund to be used in accordance with the provisions of subsection (a) of Section 22.8 of the Environmental Protection Act.

(Source: P.A. 98-692, eff. 7-1-14; 98-822, eff. 8-1-14.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 3695** 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 3695

AMENDMENT NO. 1 . Amend Senate Bill 3695 on page 2, by replacing lines 18 through 25 with the following:

"electronic medical records system operated or maintained by a Health Insurance Portability and Accountability Act (HIPAA) covered entity as defined at 45 CFR 160.103, including information that alone or compiled, or under circumstances in which the patient information combined with other information could allow for patient identification, in compliance with State and federal medical privacy laws and regulations, including, but not limited to, HIPAA and its regulations, 45 CFR Parts 160 and 164), home or personal"; and

on page 20, by replacing lines 8 through 17 with the following:

"(mm) All protected health information as defined by 45 CFR 16.103 that may be contained within or extracted from any record held by a covered entity as defined by 45 CFR 160.103, including information that alone or compiled, or under circumstances in which the patient information combined with other information could allow for patient identification, in compliance with HIPAA.".

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 Villa, **Senate Bill No. 3720** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3720

AMENDMENT NO. 1 . Amend Senate Bill 3720 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Bias-Free Child Removal Pilot Program Act.

Section 5. Findings. The General Assembly finds that the University of Illinois' Children and Family Research Center determined in its October 2021 report, "Racial Disproportionality in the Illinois Child Welfare System", that:

(1) In 2020, compared to their percentage in the general child population, black children were overrepresented in foster care having made up 16.4% of the general child population, but accounting for 38.5% of protective custodies.

(2) In comparison, white children were proportionally represented in foster care having made up 52.8% of the general child population, but accounting for 48.8% of protective custodies. Hispanic children were under-represented having made up 24.9% of the general child population, but accounting for 11.5% of protective custodies.

Section 10. Purpose.

(a) In Illinois, and across the nation, some racial and ethnic minority groups are disproportionately represented in the child welfare system. This disproportionality could occur at 5 different decision points during a family's child welfare involvement:

(1) investigated child abuse/neglect (CAN) reports;

(2) protective custodies;

(3) indicated CAN reports;

(4) post-investigation service provision; and

(5) timely exits from substitute care.

(b) The purpose of this Act is to:

(1) Require the Department of Children and Family Services to establish a 3-year, Bias-Free Child Removal Pilot Program for the purpose of promoting unbiased decision-making in the child

removal process, while maintaining the safety of children and reducing risk, with the goal of decreasing the overrepresentation of BIPOC children in out-of-home placements. This goal would be achieved by convening a group of senior-level internal staff members from the Department of Children and Family Services who are from an area other than the pilot area to (i) review removal decisions, absent specific demographic information and (ii) determine whether removal of a child is necessary to avoid imminent risk to his or her safety, health, and well-being.

(2) Establish a pre-implementation steering committee to:

(1) develop and implement the Bias-Free Removal Pilot Program;

(2) recruit members for the Bias-Free Case Review Team; and

(3) recruit members for the Bias-Free Child Removal Advisory Board.

(3) Establish a Bias-Free Case Review Team consisting of a child protection supervisor, an area administrator, and a regional administrator from an area other than the pilot area to: (i) review removal decisions absent specific demographic information as provided in paragraph (3) of subsection (e) of Section 25; and (ii) determine whether removal of the child is necessary to avoid imminent risk to his or her safety, health, and well-being.

(4) Establish a Bias-Free Child Removal Advisory Board to monitor and oversee the Bias-Free Case Review Team and ensure that the Bias-Free Case Review Team executes bias-free removals in accordance with the provisions of this Act.

Section 15. Definitions. As used in this Act:

"Bias-free" means to review a case file without the following identifying demographic information on the parent and child: gender, race, ethnicity, geographic location, and socio-economic status, which prevents a reader from inserting bias, implicit or explicit, into critical decisions such as removing a child from his or her family.

"BIPOC" means people who are members of the groups described in subparagraphs (a) through (e) of paragraph (A) of subsection (1) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Child" means any person under 18 years of age.

"Child welfare court personnel" means lawyers, judges, public-defenders, and guardians ad litem.

"Department" means the Department of Children and Family Services.

"Evaluation design" means identifying an overall strategy for analyzing the effectiveness of a program to include outlining a distinct approach to formulating key outputs and outcomes, selecting an appropriate research method, and evaluating the outcomes of a program.

"Immediate and urgent necessity" in accordance with Section 5 of the Abused and Neglected Child reporting Act, means (i) that there is a reason to believe that the child cannot be cared for at home or in the custody of the person responsible for the child's welfare without endangering the child's health or safety and (ii) that there is no time to apply for a court order under the Juvenile Court Act of 1987 for temporary custody of the child.

"Lived experience" means a representation of the experiences of a person involved in the child welfare system, the knowledge and understanding that the person gains from these experiences, and the ability to understand the policies or guidelines of the Department.

"Program" or "pilot program" means the Bias-Free Child Removal Pilot Program.

"Review Team" means the Bias-Free Case Review Team.

Section 20. Program. The Department of Children and Family Services shall establish a 3-year Bias-Free Child Removal Pilot Program no later than January 1, 2024, for the purpose of promoting unbiased decision making in the child removal process. The pilot program shall be implemented in a field office located in Cook County, a field office located in Champaign County, and a field office located in St. Clair County. The purpose of promoting unbiased decision making in the child removal process shall be achieved by the identified county using a bias-free child removal strategy when deciding whether a child should be removed from the custody of his or her parent or guardian, as specified.

By January 1, 2024, the steering committee established by the Department as provided in Section 25 shall develop the pilot program for the purpose of addressing racial disproportionality in the child welfare system. The pilot program shall be implemented for a period of no less than 3 years in at least one office located in Cook County, one office located in Champaign County, and one office located in St. Clair County.

The Department shall on January 1, 2025, January 1, 2026, and January 1, 2027 submit to the General Assembly an evaluation report that details the pilot program's implementation and that provides an analysis of the pilot program's effect and impact on the removal rates of BIPOC children. The January 1, 2027 report shall be the final evaluation report submitted to the General Assembly by the Department.

Section 25. Implementation.

(a) By January 1, 2023, the Department shall establish a pre-implementation steering committee consisting of an interdisciplinary, diverse group of child welfare professionals and advocates for the purpose of creating the Bias-Free Child Removal Pilot Program and the pre-implementation plan for the pilot program. The steering committee shall be diverse in regard to the geographic location, race/ethnicity, gender, and profession and lived experience of committee members. As used in this Section, "lived experience" includes knowledge and understanding of Department processes and policies. The steering committee shall develop and oversee the implementation of the Bias-Free Case Review Team and bias-free removal process. Once established, the steering committee shall initiate implementation of the pilot program ensuring: (i) organizational readiness; (ii) adequate data collection and analysis; (iii) professional development and training for the staff; and (iv) adherence to existing rules and State laws concerning child safety. The steering committee shall include, but not be limited to, the following members:

(1) A parent with lived experience in the child welfare system.

(2) A former youth in care with lived experience in the child welfare system.

(3) A member of an organization or office that represents children in abuse and neglect proceedings.

(4) A community-based organization that advocates for parents' rights within the child welfare system.

(5) A public or private university responsible for evaluating the pilot program.

(6) Three staff members from the Department, which shall include the Deputy Director of the Department's Division of Child Protection, the Deputy Director of the Department's Division of Race Equity Practice, and the Deputy Director of the Department's Division of Intact Services.

(7) A licensed attorney who has practiced within the Illinois child welfare court system in a county represented in the pilot program such as, but not limited to, a public defender, an assistant state's attorney, a guardian ad litem, or a judge.

(8) A member of a statewide organization that advocates on behalf of community-based services for children and families.

(b) By January 1, 2024, the steering committee shall establish the pilot program for the purpose of addressing racial disproportionality in the child welfare system. The pilot program shall be implemented for a period of no less than 3 years in at least one office located in Cook County, one office located in Champaign County, and one office located in St. Clair County.

(c) The steering committee shall develop a written plan for the pilot program, in accordance with the goals of this Act, that shall be adopted by a unanimous vote.

(d) The steering committee must include in the development of the pilot program the following:

(1) Three permanent Bias-Free Case Review Team members for each county with a pilot program. The Review Team shall be diverse in regard to the members' geographic location, race and ethnicity, and gender. All Review Team members shall possess the knowledge, experience, understanding, and training equivalent to that of a child welfare caseworker or investigator, or higher. The Review Team shall be made up of the following:

(A) one child protection supervisor;

(B) one area administrator; and

(C) one regional administrator.

(2) At least 4 alternate Review Team members who meet the same criteria set forth in paragraph (1) to fill in if or when a permanent Review Team member is unable to participate or attend meetings.

(3) A requirement that the Bias-Free Case Review Team convene with urgency (within 24 but no longer than 48 business hours) of a child being placed in protective custody and prior to a shelter care hearing in order to determine if protective custody is warranted.

(4) Establishment of decision-making protocols for the following questions:

(i) What constitutes a child protection investigation meeting or not meeting the criteria to be presented to the Review Team?

(ii) Who decides to bring the investigation to the Review Team?

(iii) How and when the Review Team is to convene during holidays, weekends, and after normal business hours?

(e) The steering committee shall ensure that the pilot program includes:

(1) A requirement that the Review Team convenes as provided in paragraph (3) of subsection (d) to determine if there was an immediate or urgent necessity to remove the child from the care of his or her parent or guardian.

(2) A requirement that the child protection investigator or supervisor present the investigation to the Review Team.

(3) A requirement that, prior to the Review Team convening, the following demographic and identifiable information must be removed from the case notes, intake summary, and investigation:

(A) The name of the child and the child's parents.

(B) The race or ethnicity of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to a family's culture, ethnicity, or religion.

(C) The sexual orientation or gender identity of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to the LGBTQ status or gender identity of the child.

(D) The religious affiliation or beliefs of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to a family's culture, ethnicity, or religion.

(E) The disability status of a parent, except when the allegations require thoughtful considerations pertaining to a family's disability status.

(F) The political affiliation or beliefs of the child and the child's parents.

(G) The marital status of the child's parents.

(H) The income level of the child's parents.

(I) The education level of the child's parents.

(J) Any reference to the location of the neighborhood or county of the parent's address.

Redacting the demographic and identifiable information from the intake summary, case notes, and investigation reduces the potential for biased decision-making among Review Team members. In adherence with the standards under the Abused and Neglected Child Reporting Act and Department rules, the focus shall instead be on the evidence of safety factors, risk elements, and family strengths. If removal is identified as unwarranted, the Review Team shall make appropriate recommendations to ensure the safety and well-being of the child, including, but not limited to, voluntary or court-ordered intact family services.

There only needs to be an agreement by the majority of the Review Team members for a final decision to be rendered.

(f) The Department shall develop a tool or rubric for the Review Team to fully document the decision-making process and what led to the final decision.

(1) Whenever a judge grants the Department temporary custody of a child, the Review Team shall make a decision, as soon as possible but no later than 48 hours prior to a shelter care hearing, on whether the child's removal from his or her home should be upheld or the child should be returned home to his or her parent.

(2) The Review Team shall submit to the child protection team (child protection worker, child protection supervisor, and area administrator) the final decision in writing.

(g) The steering committee shall have the authority to include additional parameters in developing the pilot program, as necessary, to remain consistent with and fulfill the purpose and goal of the pilot program.

(h) Cases that shall not be included in the pilot program:

(1) Where protective custody is taken by law enforcement or a medical professional.

(2) Cases that involve a forensic interview by a child protective investigator or law enforcement.

(3) Cases that include photographs of injuries.

(4) Any case where the child welfare court has made a determination on the issue of custody.

(i) There is established a Bias-Free Child Removal Advisory Board that shall include up to 2 of the following members, per pilot area:

(1) community-based partners from the fields of domestic violence, substance abuse, mental health, or housing;

(2) public or private university partners;

(3) a member of an organization that advocates on behalf of parents and families;

(4) a member of an organization that legally represents children who are involved in the foster care system, in the court process;

(5) a member of a statewide organization that advocates on behalf of community-based services for children and families;

(6) a parent with lived experience in the child welfare system;

(7) a former youth in care with lived experience in the child welfare system; and

(8) a member of an organization or office that represents children in legal abuse and neglect proceedings.

The Advisory Board shall be present with the Bias-Free Review Team for all case reviews for the purpose of ensuring that the Review Team executes bias-free removals in accordance with this Act. The Advisory Board shall not be responsible for any decision making.

(j) The Department shall adopt the written protocols developed by the steering committee.

(k) Criteria for determining success. The pilot program shall be considered successful and expanded statewide if it is implemented with fidelity and the evaluation reveals that disproportionality of BIPOC children is reduced by the end of the pilot program. The pilot program shall not be expanded statewide if the evaluation reveals that the bias-free removal process did not reduce disproportionality.

(l) The Department shall adopt rules, policies, and procedures necessary to implement this Act with the assistance of the steering committee. The Department shall present findings of the evaluation to the General Assembly on a yearly basis, with the first report due on January 1, 2025. After year 3 of the pilot program, the Department shall determine the need to expand the pilot program statewide, if data shows an impact on disproportionality, and shall provide a justification for or against statewide expansion. The pilot program does not create a private cause of action in case there is a problem with the application of the bias-free removal process.

Section 30. Repealer. This Act is repealed on January 1, 2027.

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

AMENDMENT NO. 2 TO SENATE BILL 3720

AMENDMENT NO. 2 . Amend Senate Bill 3720 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Bias-Free Child Removal Pilot Program Act.

Section 5. Findings. The General Assembly finds that the University of Illinois' Children and Family Research Center determined in its October 2021 report, "Racial Disproportionality in the Illinois Child Welfare System", that:

(1) In 2020, compared to their percentage in the general child population, black children were overrepresented in foster care having made up 16.4% of the general child population, but accounting for 38.5% of protective custodies.

(2) In comparison, white children were proportionally represented in foster care having made up 52.8% of the general child population, but accounting for 48.8% of protective custodies. Hispanic children were under-represented having made up 24.9% of the general child population, but accounting for 11.5% of protective custodies.

Section 10. Purpose.

(a) In Illinois, and across the nation, some racial and ethnic minority groups are disproportionately represented in the child welfare system. This disproportionality could occur at 5 different decision points during a family's child welfare involvement:

(1) investigated child abuse/neglect (CAN) reports;

(2) protective custodies;

(3) indicated CAN reports;

(4) post-investigation service provision; and

(5) timely exits from substitute care.

(b) The purpose of this Act is to:

(1) Require the Department of Children and Family Services to establish a 3-year, Bias-Free Child Removal Pilot Program for the purpose of promoting unbiased decision making in the child removal process, while maintaining the safety of children and reducing risk, with the goal of decreasing the overrepresentation of BIPOC children in out-of-home placements. This goal would be achieved by convening a group of senior-level internal staff members from the Department of Children and Family Services who are from an area other than the pilot area to (i) review removal decisions, absent specific demographic information and (ii) determine whether removal of a child is necessary to avoid imminent risk to the child's safety, health, and well-being.

(2) Establish a steering committee to:

(A) develop and implement the Bias-Free Removal Pilot Program;

(B) appoint members for the Bias-Free Case Review Team; and

(C) appoint members for the Bias-Free Child Removal Advisory Board.

(3) Establish a Bias-Free Case Review Team consisting of a child protection supervisor, an area administrator, and a regional administrator from an area other than the pilot area to: (i) review removal decisions absent specific demographic information as provided in paragraph (3) of subsection (e) of Section 25; and (ii) determine whether removal of the child is necessary to avoid imminent risk to the child's safety, health, and well-being.

(4) Establish a Bias-Free Child Removal Advisory Board to monitor and oversee the Bias-Free Case Review Team and ensure that the Bias-Free Case Review Team executes bias-free removals in accordance with the provisions of this Act.

Section 15. Definitions. As used in this Act:

"Bias-free" means to review a case file without the following identifying demographic information on the parent and child: gender, race, ethnicity, geographic location, and socioeconomic status, which prevents a reader from inserting bias, implicit or explicit, into critical decisions such as removing a child from the child's family.

"BIPOC" means people who are members of the groups described in subparagraphs (a) through (e) of paragraph (A) of subsection (1) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Child" means any person under 18 years of age.

"Child welfare court personnel" means lawyers, judges, public defenders, and guardians ad litem.

"Department" means the Department of Children and Family Services.

"Evaluation design" means identifying an overall strategy for analyzing the effectiveness of a program to include outlining a distinct approach to formulating key outputs and outcomes, selecting an appropriate research method, and evaluating the outcomes of a program.

"Immediate and urgent necessity", in accordance with Section 5 of the Abused and Neglected Child reporting Act, means (i) that there is a reason to believe that the child cannot be cared for at home or in the custody of the person responsible for the child's welfare without endangering the child's health or safety and (ii) that there is no time to apply for a court order under the Juvenile Court Act of 1987 for temporary custody of the child.

"Lived experience" means a representation of the experiences of a person involved in the child welfare system, the knowledge and understanding that the person gains from these experiences, and the ability to understand the policies or guidelines of the Department.

"Program" or "pilot program" means the Bias-Free Child Removal Pilot Program.

"Review Team" means the Bias-Free Case Review Team.

Section 20. Program. The Department of Children and Family Services shall establish a 3-year Bias-Free Child Removal Pilot Program no later than January 1, 2024, for the purpose of promoting unbiased decision making in the child removal process. The pilot program shall be implemented in a field office located in DuPage County, a field office located in Champaign County, and a field office located in Williamson County. The purpose of promoting unbiased decision making in the child removal process shall be achieved by the identified county using a bias-free child removal strategy when deciding whether a child should be removed from the custody of the child's parent or guardian, as specified.

By January 1, 2024, the steering committee established by the Department as provided in Section 25 shall develop the pilot program for the purpose of addressing racial disproportionality in the child welfare system. The pilot program shall be implemented for a period of no less than 3 years in at least one office

located in DuPage County, one office located in Champaign County, and one office located in Williamson County.

The Department shall on January 1, 2025, January 1, 2026, and January 1, 2027 submit to the General Assembly an evaluation report that details the pilot program's implementation and that provides an analysis of the pilot program's effect and impact on the removal rates of BIPOC children. The January 1, 2027 report shall be the final evaluation report submitted to the General Assembly by the Department.

Section 25. Implementation.

(a) By January 1, 2023, the Department shall establish a steering committee consisting of an interdisciplinary, diverse group of child welfare professionals and advocates for the purpose of creating the Bias-Free Child Removal Pilot Program and the pre-implementation plan for the pilot program. The steering committee shall be diverse in regard to the geographic location, race/ethnicity, gender, and profession and lived experience of committee members. As used in this Section, "lived experience" includes knowledge and understanding of Department processes and policies. The steering committee shall develop and oversee the implementation of the Bias-Free Case Review Team and bias-free removal process. Once established, the steering committee shall initiate implementation of the pilot program ensuring: (i) organizational readiness; (ii) adequate data collection and analysis; (iii) professional development and training for the staff; and (iv) adherence to existing rules and State laws concerning child safety. The steering committee shall include, but not be limited to, the following members:

(1) A parent with lived experience in the child welfare system.

(2) A former youth in care with lived experience in the child welfare system.

(3) A member of an organization or office that represents children in abuse and neglect proceedings.

(4) A community-based organization that advocates for parents' rights within the child welfare system.

(5) A public or private university responsible for evaluating the pilot program.

(6) Three staff members from the Department, which shall include the Deputy Director of the Department's Division of Child Protection, the Deputy Director of the Department's Division of Race Equity Practice, and the Deputy Director of the Department's Division of Intact Services.

(7) A licensed attorney who has practiced within the Illinois child welfare court system in a county represented in the pilot program such as, but not limited to, a public defender, an assistant state's attorney, a guardian ad litem, or a judge.

(8) A member of a statewide organization that advocates on behalf of community-based services for children and families.

(b) By January 1, 2024, the steering committee shall establish the pilot program for the purpose of addressing racial disproportionality in the child welfare system. The pilot program shall be implemented for a period of no less than 3 years in at least one office located in DuPage County, one office located in Champaign County, and one office located in Williamson County.

(c) The steering committee shall develop a written plan for the pilot program, in accordance with the goals of this Act, that shall be adopted by a unanimous vote.

(d) The steering committee must include in the development of the pilot program the following:

(1) Three permanent Bias-Free Case Review Team members for each county with a pilot program. The Review Team shall be diverse in regard to the members' geographic location, race and ethnicity, and gender. All Review Team members shall possess the knowledge, experience, understanding, and training equivalent to that of a child welfare caseworker or investigator, or higher. The Review Team shall be made up of the following:

(A) one child protection supervisor;

(B) one area administrator; and

(C) one regional administrator.

(2) At least 4 alternate Review Team members who meet the same criteria set forth in paragraph (1) to fill in if or when a permanent Review Team member is unable to participate or attend meetings.

(3) A requirement that the Bias-Free Case Review Team convene with urgency (within 24 but no longer than 48 business hours) of a child being placed in protective custody and prior to a shelter care hearing in order to determine if protective custody is warranted.

(4) Establishment of decision-making protocols for the following questions:

(i) What constitutes a child protection investigation meeting or not meeting the criteria to be presented to the Review Team?

(ii) Who decides to bring the investigation to the Review Team?

(iii) How and when the Review Team is to convene during holidays, weekends, and after normal business hours?

(e) The steering committee shall ensure that the pilot program includes:

(1) A requirement that the Review Team convenes as provided in paragraph (3) of subsection (d) to determine if there was an immediate or urgent necessity to remove the child from the care of the child's parent or guardian.

(2) A requirement that the child protection investigator or supervisor present the investigation to the Review Team.

(3) A requirement that, prior to the Review Team convening, the following demographic and identifiable information must be removed from the case notes, intake summary, and investigation:

(A) The name of the child and the child's parents.

(B) The race or ethnicity of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to a family's culture, ethnicity, or religion.

(C) The sexual orientation or gender identity of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to the LGBTQ status or gender identity of the child.

(D) The religious affiliation or beliefs of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to a family's culture, ethnicity, or religion.

(E) The disability status of a parent, except when the allegations require thoughtful considerations pertaining to a family's disability status.

(F) The political affiliation or beliefs of the child and the child's parents.

(G) The marital status of the child's parents.

(H) The income level of the child's parents.

(I) The education level of the child's parents.

(J) Any reference to the location of the neighborhood or county of the parent's address.

Redacting the demographic and identifiable information from the intake summary, case notes, and investigation reduces the potential for biased decision making among Review Team members. In adherence with the standards under the Abused and Neglected Child Reporting Act and Department rules, the focus shall instead be on the evidence of safety factors, risk elements, and family strengths. If removal is identified as unwarranted, the Review Team shall make appropriate recommendations to ensure the safety and well-being of the child, including, but not limited to, voluntary or court-ordered intact family services.

Agreement by a majority of the Review Team members, as shall be outlined in protocol, is needed to render a final decision.

(f) The Department shall develop a tool or rubric for the Review Team to fully document the decision-making process and what led to the final decision.

(1) The Review Team shall make a decision, as soon as possible but no later than 48 hours prior to a shelter care hearing, on whether the child's removal from the child's home should be upheld or the child should be returned home to the child's parent.

(2) The Review Team shall submit to the child protection team (child protection worker, child protection supervisor, and area administrator) the final decision in writing.

(g) The steering committee shall have the authority to include additional parameters in developing the pilot program, as necessary, to remain consistent with and fulfill the purpose and goal of the pilot program.

(h) Cases that shall not be included in the pilot program:

(1) Where protective custody is taken by law enforcement or a medical professional.

(2) Cases that involve a forensic interview by a child protective investigator or law enforcement.

(3) Cases that include photographs of injuries.

(4) Any case where the child welfare court has made a determination on the issue of custody.

(i) There is established a Bias-Free Child Removal Advisory Board with the knowledge and understanding of the Department's policies, rules, and procedures that shall include up to 2 of the following members, per pilot area:

(1) community-based partners from the fields of domestic violence, substance abuse, mental health, or housing;

(2) public or private university partners;

(3) a member of an organization that advocates on behalf of parents and families;

(4) a member of an organization that legally represents children who are involved in the foster care system, in the court process;

(5) a member of a statewide organization that advocates on behalf of community-based services for children and families;

(6) a parent with lived experience in the child welfare system;

(7) a former youth in care with lived experience in the child welfare system; and

(8) a member of an organization or office that represents children in legal abuse and neglect proceedings.

The Advisory Board shall be present with the Bias-Free Review Team for all case reviews for the purpose of ensuring that the Review Team executes bias-free removals in accordance with this Act. The Advisory Board shall not be responsible for any decision making.

(j) The Department shall adopt the written protocols developed by the steering committee.

(k) Criteria for determining success. The pilot program shall be considered successful and expanded statewide if it is implemented with fidelity and the evaluation reveals that disproportionality of BIPOC children is reduced by the end of the pilot program. The pilot program shall not be expanded statewide if the evaluation reveals that the bias-free removal process did not reduce disproportionality.

(l) The Department shall adopt rules, policies, and procedures necessary to implement this Act with the assistance of the steering committee. The Department shall present findings of the evaluation to the General Assembly on a yearly basis, with the first report due on January 1, 2025. After year 3 of the pilot program, the Department shall determine the need to expand the pilot program statewide, if data shows an impact on disproportionality, and shall provide a justification for or against statewide expansion. The pilot program does not create a private cause of action in case there is a problem with the application of the bias-free removal process.

Section 30. Repealer. This Act is repealed on January 1, 2027.

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

Floor Amendment No. 3 was referred to the Committee on Assignments earlier today.

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

On motion of Senator Bennett, **Senate Bill No. 3179** having been printed, was taken up, read by title a second time.

Senator Bennett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3179

AMENDMENT NO. 1 . Amend Senate Bill 3179 as follows:

on page 3, line 19, by deleting "and"; and

on page 3, line 21, by replacing "Commission." with "Commission; and"; and

on page 3, immediately below line 21, by inserting the following:

"(12) the Secretary of Innovation and Technology.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

At the hour of 2:11 o'clock p.m., Senator Koehler, presiding.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Lightford, **Senate Bill No. 3645** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 3808** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 3902** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 2:13 o'clock p.m., Senator Lightford, presiding.

At the hour of 2:16 o'clock p.m., the Chair announced that the Senate stands at ease.

AT EASE

At the hour of 2:26 o'clock p.m., the Senate resumed consideration of business.
Senator Lightford, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its February 24, 2022 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Floor Amendment No. 1 to Senate Bill 1015; Floor Amendment No. 4 to Senate Bill 1915; Committee Amendment No. 3 to Senate Bill 2316; Committee Amendment No. 4 to Senate Bill 2316; Floor Amendment No. 3 to Senate Bill 3629; Floor Amendment No. 2 to Senate Bill 3848**.

State Government: **Floor Amendment No. 1 to Senate Bill 3082; Floor Amendment No. 2 to Senate Bill 3792; Floor Amendment No. 3 to Senate Bill 4028**.

Senator Lightford, Chair of the Committee on Assignments, during its February 24, 2022 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 1 to Senate Bill 3917

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

Senator Lightford, Chair of the Committee on Assignments, during its February 24, 2022 meeting, to which was referred **Senate Bill No. 702** on April 23, 2021, pursuant to Rule 3-9(a), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 702** was returned to the order of third reading.

LEGISLATIVE MEASURE FILED

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 702

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its February 24, 2022 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

State Government: **Floor Amendment No. 1 to Senate Bill 702**.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committees to meet at 3:30 o'clock p.m.:

Executive in Room 212
State Government in Room 409

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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4626
A bill for AN ACT concerning children.

HOUSE BILL NO. 4682
A bill for AN ACT concerning State government.

HOUSE BILL NO. 4739
A bill for AN ACT concerning State government.

HOUSE BILL NO. 4741
A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 4933
A bill for AN ACT concerning education.

HOUSE BILL NO. 4993
A bill for AN ACT concerning State government.

Passed the House, February 24, 2022.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 4626, 4682, 4739, 4741, 4933 and 4993** were taken up, ordered printed and placed on first reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Villa, **Senate Bill No. 3651** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Villa, **Senate Bill No. 3652** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Holmes, **Senate Bill No. 3737**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call, on motion of Senator Holmes, further consideration of **Senate Bill No. 3737** was postponed.

On motion of Senator Hastings, **Senate Bill No. 3762** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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

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

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

Senator Rezin asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 3762**.

On motion of Senator Belt, **Senate Bill No. 3778** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Connor, **Senate Bill No. 3787** was recalled from the order of third reading to the order of second reading.

Senator Connor offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3787

AMENDMENT NO. 1 . Amend Senate Bill 3787 by replacing line 25 on page 11 through line 23 on page 12 with the following:

"(5) The Secretary may accept an examination from the National Credit Union Administration or a private insurer of share deposits approved by the Secretary instead of an examination conducted by the Department or by a public accountant registered by the Department pursuant to subsection (3). Acceptance of an examination from the National Credit Union Administration or an approved private insurer of share deposits shall only be permitted on an alternating basis with examinations that the Department or a registered public accountant conducts.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Connor, **Senate Bill No. 3787** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

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

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

Senator Fine asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 3787**.

SENATE BILL RECALLED

On motion of Senator Morrison, **Senate Bill No. 3789** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3789

AMENDMENT NO. 1 . Amend Senate Bill 3789 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Decennial Committees on Local Government Efficiency Act.

Section 5. Definition. As used in this Act, "governmental unit" includes all units of local government that may levy any tax, except municipalities and counties.

Section 10. Formation of committee; members; vacancy; administrative support.

(a) Within one year after the effective date of this Act and at least once every 10 years thereafter, each governmental unit must form a committee to study local efficiencies and report recommendations regarding efficiencies and increased accountability to the county board in which the governmental unit is located.

(b) Each committee's membership shall include the elected or appointed members of the governing board of the governmental unit; at least 2 residents of the governmental unit, who are appointed by the chair of the board of the governmental unit, with the advice and consent of the board; and any chief executive officer or other officer of the governmental unit. The committee shall be chaired by the president or chief elected or appointed official of the governing board of the governmental unit, or his or her designee. The chairperson may appoint additional members to the committee as he or she deems appropriate.

Committee members shall serve without compensation but may be reimbursed by the governmental unit for their expenses incurred in performing their duties.

(c) A committee may employ or use the services of specialists in public administration and governmental management and any other trained consultants, analysts, investigators, and assistants it considers appropriate, and it may seek assistance from community colleges and universities as necessary to prepare the report required under Section 25.

(d) If a vacancy occurs in the committee membership, the vacancy shall be filled in the same manner as the appointments under subsection (b).

(e) Each governmental unit shall provide administrative and other support to its committee.

Section 15. Duties of a committee. The duties of a committee include, but are not limited to, the study of the governmental unit's governing statutes, ordinances, rules, procedures, powers, jurisdiction, shared services, intergovernmental agreements, and interrelationships with other governmental units and the State. The committee shall also collect data, research, and analysis as necessary to prepare the report described in Section 25.

Section 20. Meetings. Each committee shall meet at least 3 times. The committee may meet during a regularly scheduled meeting of the governmental unit as long as: (1) separate notice is given in conformance with the Open Meetings Act; (2) the committee meeting is listed as part of the board of the governmental unit's agenda; and (3) at least a majority of the members of the committee are present at the committee's meeting. Each meeting of the committee shall be public, and the committee shall provide an opportunity for any person to be heard at the public hearings for at least 3 minutes. The committee may require speakers to register. The committee shall meet in accordance with the Open Meetings Act, and the committee shall be a public body to which the Freedom of Information Act applies.

At the conclusion of each meeting, the committee shall conduct a survey of residents who attended asking for input on the matters discussed at the meeting.

Section 25. Report. Each committee shall summarize its work and findings within a written report, which shall include recommendations in respect to increased accountability and efficiency, and shall provide the report to the county board in which the governmental unit is located no later than 18 months after the formation of the committee. The report shall be made available to the public.

Section 30. Dissolution of the committee. After a committee has made the report required under Section 25 available to the public, the committee is dissolved until it is reestablished with newly appointed members under Section 10.

Section 85. The School Code is amended by changing Section 17-1.1 as follows:

(105 ILCS 5/17-1.1)

Sec. 17-1.1. Shared service reporting and fiscal efficiency.

(a) Annually, each school district shall complete a report developed by the State Board of Education, to accompany the annual financial report and to be published on the State Board of Education's Internet website, that summarizes district attempts to improve fiscal efficiency through shared services or outsourcing in the prior fiscal year. The report must be primarily in checklist form and approximately one page in length. It shall include, but shall not be limited to, the incidence of the following shared service options: insurance; employee benefits; transportation; personnel recruitment; shared personnel; technology services; energy purchasing; supply and equipment purchasing; food services; legal services; investment pools; special education cooperatives, vocational cooperatives, and other shared educational programs; curriculum planning; professional development; custodial services; maintenance services; grounds maintenance services; food services; grant writing; and science, technology, engineering, and mathematics (STEM) program offerings. The report shall also include a list of potential shared services or outsourcing the district may consider or investigate for the next fiscal year and any anticipated barriers to implementation. This report must be approved by the school board at an open meeting that allows for public comment, and it shall be published on the Internet website of the school district, if any.

(b) Based on data supplied by school districts through the annual financial report, regional superintendents of schools shall publish annually a regional report summarizing district attempts to improve fiscal efficiency through shared services or outsourcing within the educational service region. This report shall include a list of all joint purchasing initiatives, joint agreements between districts, attempts to reduce or eliminate duplication of services and duplicative expenditures, and identification of any overlapping regional service delivery systems.

(c) For school districts required to develop and submit to the State Board of Education a deficit reduction plan under Section 17-1 of this Code, the regional superintendent of schools and the school district shall jointly prepare a shared services and outsourcing plan that considers actions that may improve the district's fiscal efficiency and how future savings associated with shared services or outsourcing are to be utilized.

(Source: P.A. 97-357, eff. 1-1-12.)

Section 90. The State Mandates Act is amended by adding Section 8.46 as follows:

(30 ILCS 805/8.46 new)

Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by the Decennial Committees on Local Government Efficiency Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Morrison, **Senate Bill No. 3789** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 41; NAYS 8.

The following voted in the affirmative:

Aquino	Gillespie	Lightford	Sims
Bennett	Glowiak Hilton	Loughran Cappel	Stadelman
Bush	Harris	Martwick	Turner, D.
Castro	Hastings	McConchie	Villa
Collins	Holmes	Morrison	Villanueva
Connor	Hunter	Muñoz	Villivalam
Crowe	Johnson	Murphy	Wilcox
Cunningham	Jones, E.	Pacione-Zayas	Mr. President
Curran	Joyce	Peters	
Feigenholtz	Koehler	Plummer	
Fine	Landek	Simmons	

The following voted in the negative:

Anderson	Bryant	Rose
Bailey	Fowler	Tracy
Barickman	McClure	

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

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

SENATE BILL RECALLED

On motion of Senator Koehler, **Senate Bill No. 3790** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3790

AMENDMENT NO. 1 . Amend Senate Bill 3790 on page 3, by replacing lines 12 and 13 with the following:

"(d) The Environmental Protection Agency shall coordinate meetings for and provide other logistical assistance to the REC Recycling Task Force. The Agency may, upon request by the Task Force, arrange to have outside experts provide research assistance, technical support, and assistance in the preparation of reports for the REC Recycling Task Force. Notwithstanding any law to the contrary, the Environmental Protection Agency may use moneys from the Solid Waste Management Fund to fulfill its obligations under this Section, including any obligation it may have to arrange to have outside experts provide support and assistance to the Task Force pursuant to this subsection."; and

on page 5, line 11, by replacing "March 1, 2023" with "July 1, 2025"; and

on page 5, line 13, by replacing "2023" with "2025".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Koehler, **Senate Bill No. 3790** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Fine, **Senate Bill No. 3819** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

Curran Landek Simmons

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

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

SENATE BILL RECALLED

On motion of Senator Koehler, **Senate Bill No. 3838** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3838

AMENDMENT NO. 1 . Amend Senate Bill 3838 by replacing everything after the enacting clause with the following:

"Section 5. The Food Handling Regulation Enforcement Act is amended by changing Section 3.3 as follows:

(410 ILCS 625/3.3)

Sec. 3.3. Farmers' markets.

(a) The General Assembly finds as follows:

(1) Farmers' markets, as defined in subsection (b) of this Section, provide not only a valuable marketplace for farmers and food artisans to sell their products directly to consumers, but also a place for consumers to access fresh fruits, vegetables, and other agricultural products.

(2) Farmers' markets serve as a stimulator for local economies and for thousands of new businesses every year, allowing farmers to sell directly to consumers and capture the full retail value of their products. They have become important community institutions and have figured in the revitalization of downtown districts and rural communities.

(3) Since 1999, the number of farmers' markets has tripled and new ones are being established every year. There is a lack of consistent regulation from one county to the next, resulting in confusion and discrepancies between counties regarding how products may be sold. There continue to be inconsistencies, confusion, and lack of awareness by consumers, farmers, markets, and local health authorities of required guidelines affecting farmers' markets from county to county.

(4) (Blank).

(5) (Blank).

(6) Recognizing that farmers' markets serve as small business incubators and that farmers' profit margins frequently are narrow, even in direct-to-consumer retail, protecting farmers from costs of regulation that are disproportionate to their profits will help ensure the continued viability of these local farms and small businesses.

(b) For the purposes of this Section:

"Department" means the Department of Public Health.

"Director" means the Director of Public Health.

"Farmer" means an individual who is a resident of Illinois and owns or leases land in Illinois that is used as a farm, as that term is defined in Section 1-60 of the Property Tax Code, or that individual's employee.

"Farmers' market" means a common facility or area where the primary purpose is for farmers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.

"Licensed or permitted processing facility" means a facility that has been inspected, approved, and permitted or licensed by the Department of Agriculture, the Department of Public Health, or a local health department.

"Local health department" means a State-certified health department of a unit of local government.

"Main ingredient" means an agricultural product that is the defining or distinctive ingredient in a product, though not necessarily by predominance of weight.

(c) (Blank).

(d) This Section does not intend and shall not be construed to limit the power of counties, municipalities, and other local government units to regulate farmers' markets for the protection of the public health, safety, morals, and welfare, including, but not limited to, licensing requirements and time, place, and manner restrictions, except as specified in this Act. This Section provides for a statewide scheme for the orderly and consistent regulation ~~interpretation of the Department's administrative rules pertaining to the safety~~ of food and food products sold at farmers' markets.

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) (Blank).

(i) (Blank).

(j) (Blank).

(k) (Blank).

(l) (Blank).

(m) The following provisions shall apply concerning statewide retail sale of farm products at farmers' markets ~~farmers' market food safety guidelines~~:

(1) (Blank). ~~The Director, in accordance with this Section, shall adopt administrative rules (as provided by the Illinois Administrative Procedure Act) for foods found at farmers' markets.~~

(2) Local health departments may conduct enforcement actions under and pursuant to this Section. The rules and regulations described in this Section shall be consistently enforced by local health authorities throughout the State.

(2.5) Notwithstanding any other provision of law except as provided in this Section, local public health departments and all other units of local government are prohibited from creating ~~sanitation~~ guidelines, rules, or regulations for farmers' markets that are more stringent than those farmers' market ~~sanitation~~ regulations contained in this Section. ~~the administrative rules adopted by the Department for the purposes of implementing this Section and Sections 3.4, 3.5, and 4 of this Act. Except as provided for in Sections 3.4 and 4 of this Act, this Section does not intend and shall not be construed to limit the power of local health departments and other government units from requiring licensing and permits for the sale of commercial food products, processed food products, prepared foods, and potentially hazardous foods at farmers' markets or conducting related inspections and enforcement activities, so long as those permits and licenses do not include unreasonable fees or sanitation provisions and rules that are more stringent than those laid out in the administrative rules adopted by the Department for the purposes of implementing this Section and Sections 3.4, 3.5, and 4 of this Act.~~

(2.10) A farmer who engages in the sale of any of the following products shall obtain a Farmers' Market Permit from each local health department that chooses to require a Farmers' Market Permit for each unit of local government in which a sales takes place:

(A) Frozen, potentially hazardous foods that are prepackaged at a licensed or permitted processing facility but have the main ingredient grown or raised on the farmer's farm.

(B) Meat, poultry, dairy, and eggs raised or grown on the farm of the farmer selling the food product.

Nothing in this paragraph shall alter any obligation under the Grade A Pasteurized Milk and Milk Products Act.

(2.15) As part of the permitting process for a Farmers' Market Permit, a local health department may require the applicant to perform the following:

(A) Provide the address of the applicant's farm and his or her contact information.

(B) Provide a list of products intended for sale.

(C) Provide a thermometer for each refrigeration unit, including, but not limited to, a refrigerator, fridge, freezer, or cooler, that is accurate to plus or minus 3 degrees Fahrenheit.

(D) Maintain in good condition all equipment, utensils, and the like, meaning that there are no chips, pitting, or other similar wear.

(E) Provide effective means to maintain cold food temperatures below 41 degrees Fahrenheit and frozen foods below 32 degrees Fahrenheit.

(F) For meat, dairy, or poultry products that do not require refrigeration, provide a product hazard analysis and critical control point (HACCP) or food safety plan from a licensed

facility as evidence of product safety at specific temperatures for the specified duration that they are not refrigerated.

(G) The name, address, and contact information of the licensed or permitted processing facility at which products were processed.

(H) If selling eggs, provide an Illinois Egg License issued by the Department of Agriculture.

(I) At least one annual inspection. Inspections may occur on site at the farmers market, or a local health department may require once annually that the farmer applicant go to an alternate location to conduct the inspection.

(2.20) A Farmers' Market Permit shall be valid for one year. The fee for obtaining a Farmers' Market Permit shall not exceed the following:

(A) $75 for a limited egg Farmers' Market Permit covering only the sale of eggs.

(B) $175 for a full Farmers' Market Permit covering any combination of meat, poultry, dairy, eggs, and frozen foods grown, raised, or produced on or in a licensed or permitted processing facility.

The fee limits imposed under this paragraph shall be increased by 10% on January 1, 2026 and on January 1 of every third year thereafter.

(2.25) A local health department shall meet the following requirements in creating, setting, or amending the fee required for a Farmers' Market Permit under this subsection:

(A) A local health department shall solicit public input in determining the initial fee or fees for a Farmers' Market Permit, and also at any time a fee increase is proposed by the local health department, by one or all of the following means:

(i) Convene at least one public meeting to allow verbal and written public input regarding the intent to create, set, or amend a fee. Before the public meeting, all farmers' market operators in the local health department's jurisdiction and all existing Farmers' Market Permit holders that are permitted in the local health department's jurisdiction shall be notified using the best efforts of the local health department.

(ii) Provide public notice and solicit written comments from the public regarding the intent to create, set, or amend a fee. Before the comment period, all farmers' market operators in the jurisdiction and all existing Farmers' Market Permit holders that are permitted in the local health department's jurisdiction shall be notified using the best efforts of the local health department.

(B) A local health department shall consider all public comments received in creating, setting, or amending a fee.

(C) A local health department has final discretion to create, set, or amend a fee, subject to the fee limits under subparagraph (A) of paragraph (2.20).

(D) A local health department shall amend a fee no more than once per year.

(E) All comments received under this paragraph shall be provided to the locally elected or appointed governing body of the location that the local health department is located at.

(F) A local health department is not required to create a new process to solicit public input regarding the creation, setting, or amending of fees if it already has a process in place that meets the minimum requirements set forth in this paragraph.

(2.30) A home rule unit may not regulate Farmers' Market Permits in a manner inconsistent with the regulation by the State of Farmers' Market Permits under this subsection. This paragraph is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(3) In the case of alleged noncompliance with the provisions described in this Section, local health departments shall issue written notices to vendors and market managers of any noncompliance issues. Citations may be issued to farmers who do not have or display their Farmers' Market Permits. Repeat violations may result in fines or Farmers' Market Permit suspension by a local health department.

(4) (Blank). ~~Produce and food products coming within the scope of the provisions of this Section shall include, but not be limited to, raw agricultural products, including fresh fruits and vegetables; popcorn, grains, seeds, beans, and nuts that are whole, unprocessed, unpackaged, and unsprouted; fresh herb sprigs and dried herbs in bunches; baked goods sold at farmers' markets; cut fruits and vegetables; milk and cheese products; ice cream; syrups; wild and cultivated mushrooms;~~

~~apple cider and other fruit and vegetable juices; herb vinegar; garlic in oil; flavored oils; pickles, relishes, salsas, and other canned or jarred items; shell eggs; meat and poultry; fish; ready-to-eat foods; commercially produced prepackaged food products; and any additional items specified in the administrative rules adopted by the Department to implement Section 3.3 of this Act.~~

(n) Local health department regulatory guidelines may be applied to foods not often found at farmers' markets, all other food products not regulated by the Department of Agriculture and the Department of Public Health, as well as live animals to be sold at farmers' markets.

(o) (Blank).

(p) The Department of Public Health and the Department of Agriculture shall adopt administrative rules necessary to implement, interpret, and make specific the provisions of this Section, including, but not limited to, rules concerning labels, sanitation, and food product safety according to the realms of their jurisdiction.

(q) The Department shall create a food sampling training and license program as specified in Section 3.4 of this Act.

(r) In addition to any rules adopted pursuant to subsection (p) of this Section, the following provisions shall be applied uniformly throughout the State, including to home rule units, except as otherwise provided in this Act:

(1) Farmers market vendors shall provide effective means to maintain potentially hazardous food, as defined in Section 4 of this Act, at 41 degrees Fahrenheit or below. As an alternative to mechanical refrigeration, an effectively insulated, hard-sided, cleanable container with sufficient ice or other cooling means that is intended for the storage of potentially hazardous food shall be used. Local health departments shall not limit vendors' choice of refrigeration or cooling equipment and shall not charge a fee for use of such equipment. Local health departments shall not be precluded from requiring an effective alternative form of cooling if a vendor is unable to maintain food at the appropriate temperature.

(2) Handwashing stations may be shared by farmers' market vendors if handwashing stations are accessible to vendors.

(Source: P.A. 100-488, eff. 6-1-18; 100-805, eff. 1-1-19; 101-81, eff. 7-12-19.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Koehler, **Senate Bill No. 3838** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Loughran Cappel	Stadelman
Aquino	Fowler	Martwick	Stoller
Bailey	Gillespie	McClure	Syverson
Barickman	Glowiak Hilton	McConchie	Tracy
Belt	Harris	Morrison	Turner, D.
Bryant	Hastings	Muñoz	Van Pelt
Bush	Holmes	Murphy	Villa
Castro	Hunter	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	Wilcox
Crowe	Joyce	Rezin	Mr. President

Cunningham	Koehler	Rose
Curran	Landek	Simmons
Feigenholtz	Lightford	Sims

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

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

POSTING NOTICES WAIVED

Senator Castro moved to waive the six-day posting requirement on **Senate Bills numbered 2316 and 3796** so that the measures may be heard in the Committee on Executive that is scheduled to meet February 24, 2022.

The motion prevailed.

SENATE BILL RECALLED

On motion of Senator Johnson, **Senate Bill No. 3845** was recalled from the order of third reading to the order of second reading.

Senator Johnson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3845

AMENDMENT NO. 1 . Amend Senate Bill 3845 by replacing everything after the enacting clause with the following:

"Section 5. The Vocational Education Act is amended by changing Section 2.1 as follows:

(105 ILCS 435/2.1) (from Ch. 122, par. 697.1)

Sec. 2.1. Gender Equity Advisory Committee.

(a) The Superintendent of the State Board of Education shall appoint a Gender Equity Advisory Committee of at least 9 members to advise and consult with the State Board of Education and the gender equity coordinator in all aspects relating to ensuring that all students have equal educational opportunities to pursue high wage, high skill occupations leading to economic self-sufficiency.

(b) Membership shall include without limitation one regional gender equity coordinator, 2 State Board of Education employees, an appointee of the Director of Labor, and 5 citizen appointees who have expertise in one or more of the following areas: nontraditional training and placement, service delivery to single parents, service delivery to displaced homemakers, service delivery to female teens, business and industry experience, and Education-to-Careers experience. Membership also may include employees from the Department of Commerce and Economic Opportunity, the Department of Human Services, and the Illinois Community College Board who have expertise in one or more of the areas listed in this subsection (b) for the citizen appointees. Appointments shall be made taking into consideration expertise of services provided in secondary, postsecondary and community based programs.

(c) Members shall initially be appointed to one year terms commencing in January 1, 1990, and thereafter to two year terms commencing on January 1 of each odd numbered year. Vacancies shall be filled as prescribed in subsection (b) for the remainder of the unexpired term.

(d) Each newly appointed committee shall elect a Chair and Secretary from its members. Members shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their duties. The Committee shall meet at least bi-annually and at other times at the call of the Chair or at the request of the gender equity coordinator.

(e) On or before December 15, 2023, the Committee shall submit recommendations to the Governor, General Assembly, and State Board of Education regarding how school districts and the State Board of Education can better support historically disadvantaged males, including African American students and other students of color, to ensure educational equity.

(f) On and after December 31, 2023, subsection (e) is inoperative.

(Source: P.A. 98-739, eff. 7-16-14.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Johnson, **Senate Bill No. 3845** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Simmons, **Senate Bill No. 3865** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 42; NAYS 5.

The following voted in the affirmative:

Aquino	Gillespie	Lightford	Stadelman
Barickman	Glowiak Hilton	Loughran Cappel	Stoller
Belt	Harris	Martwick	Syverson
Bush	Hastings	McConchie	Turner, D.
Castro	Holmes	Morrison	Van Pelt
Collins	Hunter	Muñoz	Villa
Connor	Johnson	Murphy	Villanueva
Crowe	Jones, E.	Pacione-Zayas	Villivalam
Cunningham	Joyce	Peters	Mr. President
Feigenholtz	Koehler	Simmons	
Fine	Landek	Sims	

The following voted in the negative:

Anderson	Bryant	Rose
Bailey	Plummer	

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

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

SENATE BILL RECALLED

On motion of Senator Fine, **Senate Bill No. 3882** was recalled from the order of third reading to the order of second reading.

Senator Fine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3882

AMENDMENT NO. 2 . Amend Senate Bill 3882, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Article may be cited as the Recovery and Mental Health Tax Credit Act. References in this Article to "this Act" mean this Article.

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 this 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 this 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 rules 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 income tax liability in accordance with the Illinois Income Tax Act. The Department shall maintain an electronic listing of the certificates issued by which the Department of Revenue may verify tax credit certificates issued.

(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 this 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) 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 under this Act may not exceed $2,000 per eligible individual employed by the qualified employer in this 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.

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

(f) A taxpayer who is a qualified employer who 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.

(g) The credit must be claimed in the taxable year in which the tax credit certificate is issued. The credit cannot reduce a taxpayer's liability to less than zero. If the amount of the credit exceeds the tax liability for the year, the credit may not be carried forward.

(h) If the taxpayer is a partnership or Subchapter S corporation the credit shall be allowed to the partners or shareholders 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.

(i) 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.

(j) 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. For taxable years beginning on or after January 1, 2023, 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.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Fine, **Senate Bill No. 3882** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

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

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

Senator Murphy asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 3882**.

SENATE BILL RECALLED

On motion of Senator Loughran Cappel, **Senate Bill No. 3889** was recalled from the order of third reading to the order of second reading.

Senator Loughran Cappel offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3889

AMENDMENT NO. 2 . Amend Senate Bill 3889 by replacing everything after the enacting clause with the following:

"Section 5. The Children's Mental Health Act of 2003 is amended by changing Section 5 as follows:

(405 ILCS 49/5)

Sec. 5. Children's Mental Health Plan.

(a) The State of Illinois shall develop a Children's Mental Health Plan containing short-term and long-term recommendations to provide comprehensive, coordinated mental health prevention, early intervention, and treatment services for children from birth through age 18. This Plan shall include but not be limited to:

(1) Coordinated provider services and interagency referral networks for children from birth through age 18 to maximize resources and minimize duplication of services.

(2) Guidelines for incorporating social and emotional development into school learning standards and educational programs, pursuant to Section 15 of this Act.

(3) Protocols for implementing screening and assessment of children prior to any admission to an inpatient hospital for psychiatric services, pursuant to subsection (a) of Section 5-5.23 of the Illinois Public Aid Code.

(4) Recommendations regarding a State budget for children's mental health prevention, early intervention, and treatment across all State agencies.

(5) Recommendations for State and local mechanisms for integrating federal, State, and local funding sources for children's mental health.

(6) Recommendations for building a qualified and adequately trained workforce prepared to provide mental health services for children from birth through age 18 and their families.

(7) Recommendations for facilitating research on best practices and model programs, and dissemination of this information to Illinois policymakers, practitioners, and the general public through training, technical assistance, and educational materials.

(8) Recommendations for a comprehensive, multi-faceted public awareness campaign to reduce the stigma of mental illness and educate families, the general public, and other key audiences about the benefits of children's social and emotional development, and how to access services.

(9) Recommendations for creating a quality-driven children's mental health system with shared accountability among key State agencies and programs that conducts ongoing needs assessments, uses outcome indicators and benchmarks to measure progress, and implements quality data tracking and reporting systems.

(10) Recommendations for ensuring all Illinois youth receive mental health education and have access to mental health care in the school setting. In developing these recommendations, the Children's Mental Health Partnership created under subsection (b) shall consult with the State Board of Education, education practitioners, including, but not limited to, administrators, regional superintendents of schools, teachers, and school support personnel, health care professionals, including mental health professionals and child health leaders, disability advocates, and other representatives as necessary to ensure the interests of all students are represented.

(11) Recommendations on how to more effectively meet the emergency and residential placement needs for all children with severe mental and behavioral challenges.

(b) The Children's Mental Health Partnership (hereafter referred to as "the Partnership") is created. The Partnership shall have the responsibility of developing and monitoring the implementation of the Children's Mental Health Plan as approved by the Governor. The Children's Mental Health Partnership shall be comprised of: the Secretary of Human Services or his or her designee; the State Superintendent of Education or his or her designee; the directors of the departments of Children and Family Services, Healthcare and Family Services, Public Health, and Juvenile Justice, or their designees; the head of the Illinois Violence Prevention Authority, or his or her designee; the Attorney General or his or her designee; up to 25 representatives of community mental health authorities and statewide mental health, children and family advocacy, early childhood, education, health, substance abuse, violence prevention, community mental health provider trade organizations, and juvenile justice organizations or associations, to be appointed by the Governor; and 2 members of each caucus of the House of Representatives and Senate appointed by the Speaker of the House of Representatives and the President of the Senate, respectively. The Governor shall appoint the Partnership Chair and shall designate a Governor's staff liaison to work with the Partnership.

(c) The Partnership shall submit a Preliminary Plan to the Governor on September 30, 2004 and shall submit the Final Plan on June 30, 2005. Thereafter, on September 30 of each year, the Partnership shall submit an annual report to the Governor and the General Assembly on the progress of Plan implementation and recommendations for revisions in the Plan. The Final Plan and annual reports submitted in subsequent years shall include estimates of savings achieved in prior fiscal years under subsection (a) of Section 5-5.23 of the Illinois Public Aid Code and federal financial participation received under subsection (b) of Section 5-5.23 of that Code. The Department of Healthcare and Family Services shall provide technical assistance in developing these estimates and reports.

(Source: P.A. 102-16, eff. 6-17-21; 102-116, eff. 7-23-21.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Loughran Cappel, **Senate Bill No. 3889** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Cunningham, **Senate Bill No. 3903** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Connor, **Senate Bill No. 3905** was recalled from the order of third reading to the order of second reading.

Senator Connor offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3905

AMENDMENT NO. 1 . Amend Senate Bill 3905 on page 1, by replacing line 11 with the following:

"(b) The Committee shall be comprised of the following members, and the appointed members of the Committee shall be appointed to the"; and

by replacing line 14 of page 1 through line 1 of page 2 with the following:

"(1) The Governor, or his or her designee, who shall serve as chairperson.

(2) The Director of the Illinois Environmental Protection Agency, or his or her designee.

(3) One member appointed by the President of the Senate.

(4) One member appointed by the Minority Leader of the Senate.

(5) One member appointed by the Speaker of the House of Representatives.

(6) One member appointed by the Minority Leader of the House of Representatives.

(7) Members appointed by the Director of the Illinois Environmental Protection Agency as follows:

(A) one member who is a representative of a publicly-owned drinking water or wastewater utility with a Curt: Please find attached service population of 25,000 or less;

(B) one member who is a representative of a publicly-owned drinking water or wastewater utility with a service population over 25,000 people to 125,000 people;

(C) one member who is a representative of a publicly-owned drinking water or wastewater utility with a service population over 125,000 people;

(D) one member who is a representative of a statewide organization representing wastewater agencies; and

(E) one member who is a representative of a statewide organization representing drinking water agencies.

The Committee shall meet at"; and

on page 2, line 11, by replacing "following," with "following principles,"; and

on page 3, immediately below line 4, by inserting the following:

"(7) In determining eligibility for assistance, the role that the State revolving fund programs play for small communities should be understood and fully considered.

(8) Any recommendations for changes to the programs must be fully consistent with federal law and must not adversely affect any community's eligibility for loans under federal law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Connor, **Senate Bill No. 3905** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator D. Turner, **Senate Bill No. 3907** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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

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

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4626, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4682, sponsored by Senator Wilcox, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4739, sponsored by Senator D. Turner, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4741, sponsored by Senator Connor, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4933, sponsored by Senator Pacione-Zayas, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4993, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 3:23 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 5:15 o'clock p.m., the Senate resumed consideration of business.
Senator Lightford, presiding.

REPORTS FROM STANDING COMMITTEES

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

Senate Amendment No. 1 to Senate Bill 702
Senate Amendment No. 1 to Senate Bill 3082
Senate Amendment No. 2 to Senate Bill 3792
Senate Amendment No. 3 to Senate Bill 4028

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

Senator Castro, Chair of the Committee on Executive, to which was referred **Senate Bills Numbered 2316 and 3796**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.
Under the rules, the bills were ordered to a second reading.

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

Senate Amendment No. 1 to Senate Bill 1015
Senate Amendment No. 4 to Senate Bill 1915
Senate Amendment No. 3 to Senate Bill 3629
Senate Amendment No. 2 to Senate Bill 3848

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

MESSAGES FROM THE HOUSE

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4292

A bill for AN ACT concerning public employee benefits.

HOUSE BILL NO. 4735

A bill for AN ACT concerning State government.

HOUSE BILL NO. 4736

A bill for AN ACT concerning State government.

HOUSE BILL NO. 5538

A bill for AN ACT concerning employment.

HOUSE BILL NO. 5576

A bill for AN ACT concerning government.

Passed the House, February 24, 2022.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 4292, 4735, 4736, 5538 and 5576** were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 5047

A bill for AN ACT concerning civil law.

Passed the House, February 24, 2022.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bill No. 5047** was taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 5048

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 5254

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 5408

A bill for AN ACT concerning education.

HOUSE BILL NO. 5464

A bill for AN ACT concerning education.

HOUSE BILL NO. 5575

A bill for AN ACT concerning regulation.

Passed the House, February 24, 2022.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 5048, 5254, 5408, 5464 and 5575** were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 5287

A bill for AN ACT concerning revenue.

Passed the House, February 24, 2022.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bill No. 5287** was taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4292, sponsored by Senator Martwick, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4369, sponsored by Senator Simmons, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5047, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5048, sponsored by Senator Feigenholtz, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5254, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5408, sponsored by Senator Bennett, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5464, sponsored by Senator Bennett, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5576, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Fine, **Senate Bill No. 3910** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Glowiak Hilton, **Senate Bill No. 3917** was recalled from the order of third reading to the order of second reading.

Senator Glowiak Hilton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3917

AMENDMENT NO. 1 . Amend Senate Bill 3917 on page 18, line 15, by replacing "2026" with "2025"; and

on page 20, line 13, by replacing "2026" with "2025"; and

on page 21, line 13, by replacing "2026" with "2025"; and

on page 41, by replacing lines 8 and 9 with the following:

"(a) For tax years beginning on or after January 1, 2025, a taxpayer who has entered into an agreement under the"; and

on page 44, by replacing lines 13 and 14 with the following:

"(a) For tax years beginning on or after January 1, 2025, a"; and

by replacing everything from line 21 on page 44 through line 3 on page 45 with the following:

"Opportunity (MICRO) Act. If the taxpayer is a partnership or a Subchapter S corporation, the credit shall be allowed to the partners or shareholders 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. The credit shall be"; and

on page 54, line 2, by replacing "2025" with "2024"; and

on page 59, immediately below line 14, by inserting the following:

"Section 907. The Use Tax Act is amended by changing Section 12 as follows:

(35 ILCS 105/12) (from Ch. 120, par. 439.12)

Sec. 12. Applicability of Retailers' Occupation Tax Act and Uniform Penalty and Interest Act. All of the provisions of Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-12, 2-54, 2a, 2b, 2c, 3, 4 (except that the time limitation provisions shall run from the date when the tax is due rather than from the date when gross receipts are received), 5 (except that the time limitation provisions on the issuance of notices of tax liability shall run from the date when the tax is due rather than from the date when gross receipts are received and except that in the case of a failure to file a return required by this Act, no notice of tax liability shall be issued on and after each July 1 and January 1 covering tax due with that return during any month or period more than 6 years before that July 1 or January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5j, 5k, 5l, 5n, 7, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, which are not inconsistent with this Act, shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included herein.

(Source: P.A. 98-1098, eff. 8-26-14.)

Section 908. The Service Use Tax Act is amended by changing Section 12 as follows:

(35 ILCS 110/12) (from Ch. 120, par. 439.42)

Sec. 12. Applicability of Retailers' Occupation Tax Act and Uniform Penalty and Interest Act. All of the provisions of Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-12, 2-54, 2a, 2b, 2c, 3 (except as to the disposition by the Department of the money collected under this Act), 4 (except that the time limitation provisions shall run from the date when gross receipts are received), 5 (except that the time limitation provisions on the issuance of notices of tax liability shall run from the date when the tax is due rather than from the date when gross receipts are received and except that in the case of a failure to file a return required by this Act, no notice of tax liability shall be issued on and after July 1 and January 1 covering tax due with that return during any month or period more than 6 years before that July 1 or January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 5n, 6d, 7, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act which are not inconsistent with this Act, and Section 3-7 of the Uniform Penalty and Interest Act, shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included herein. (Source: P.A. 98-1098, eff. 8-26-14; 99-217, eff. 7-31-15.)

Section 909. The Service Occupation Tax Act is amended by changing Section 12 as follows:

(35 ILCS 115/12) (from Ch. 120, par. 439.112)

Sec. 12. All of the provisions of Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-12, 2-54, 2a, 2b, 2c, 3 (except as to the disposition by the Department of the tax collected under this Act), 4 (except that the time limitation provisions shall run from the date when the tax is due rather than from the date when gross receipts are received), 5 (except that the time limitation provisions on the issuance of notices of tax liability shall run from the date when the tax is due rather than from the date when gross receipts are received), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 5n, 6d, 7, 8, 9, 10, 11 and 12 of the "Retailers' Occupation Tax Act" which are not inconsistent with this Act, and Section 3-7 of the Uniform Penalty and Interest Act shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included herein. (Source: P.A. 98-1098, eff. 8-26-14; 99-217, eff. 7-31-15.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Glowiak Hilton, **Senate Bill No. 3917** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Fine, **Senate Bill No. 3925** was recalled from the order of third reading to the order of second reading.

Senator Fine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3925

AMENDMENT NO. 2 . Amend Senate Bill 3925, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Human Services Professional Loan Repayment Program Act.

Section 5. Purpose. The purpose of the Human Services Professional Loan Repayment Program is to recruit and retain qualified human service professionals to work for community-based human services providers. Due to numerous factors, human services agencies have a high turnover rate and struggle to maintain consistent staffing levels. Many of these positions require degrees in human services-related fields of study. In addition, most human services positions require a graduate degree or postsecondary degree or certification. The higher education requirements for the human services workforce often means that many students graduate with a high level of debt for a job that pays slightly above minimum wage with a great deal of stress and burnout.

Section 10. Definitions. In this Act:

"Commission" means the Illinois Student Assistance Commission.

"Professional" means an individual employed by a human services agency that contracts with or is grant-funded by a State agency for the purposes of providing direct or indirect services that ensure that individuals have the essential elements to build and maintain physical, emotional, and economic well-being at every phase of life.

"Program" means the Human Services Professional Loan Repayment Program.

"Qualified program" means a program that offers an associate, bachelor's, or master's degree from an accredited college or university.

"State agency" means the Department of Human Services, the Department of Children and Family Services, the Department of Juvenile Justice, the Department on Aging, and the Department of Public Health.

Section 15. Establishment of the Program. The Human Services Professional Loan Repayment Program is created and shall be administered by the Commission. Subject to appropriation, the Program shall provide loan repayment assistance to eligible professionals practicing in a community-based, human services agency that contracts with or is grant-funded by a State agency.

Section 20. Applications. Each year for which funds have been appropriated, the Commission shall receive and consider applications for loan repayment assistance under this Act. All applications must be submitted to the Commission in a form and manner prescribed by the Commission. An eligible professional must submit any supporting documents deemed necessary by the Commission at the time of application.

Section 25. Award; maximum loan time; maximum amount. The Commission shall award a grant to each eligible applicant for a cumulative maximum of 4 years. The recipient of a grant awarded by the Commission under this Act must use the grant award for payments toward the recipient's educational loans from a qualified program. The amount of the grant shall not exceed: (i) $25,000 per year for a master's

degree or higher; (ii) $15,000 per year for a bachelor's degree; (iii) $3,000 per year for a professional with an associate degree; and (iv) up to a $5,000 per year add-on if independently licensed as a licensed clinical social worker, a licensed clinical professional counselor, a licensed practitioner of the healing arts, a licensed marriage and family therapist, a board-certified behavior analyst, or a registered behavior technician.

Section 30. Eligibility; work requirement.

(a) To be eligible to receive a grant under the Human Services Professional Loan Repayment Program, the Commission must find that the eligible professional satisfies all of the following:

(1) The applicant is a resident of the State of Illinois.

(2) The applicant has worked for at least 24 consecutive months as a full-time employee as a human services professional in a community-based human services agency that currently has or did have a contract with a State agency to provide human services during the duration of applicant's 24 consecutive month tenure.

(3) The applicant is a borrower with an outstanding balance due on an educational loan.

(4) The applicant has not defaulted on an educational loan.

(5) The applicant must remain a full-time employee as a human services professional in the same community-based human services agency for at least 12 months after receiving this grant.

(b) The Commission may grant preference to a previous recipient of a grant under the Program, provided that the recipient continues to meet the eligibility requirements under this Section.

Section 35. Administration; rules. The Commission shall administer the Program and shall adopt rules not inconsistent with this Act for the Program's effective implementation.

Section 99. Effective date. This Act takes effect January 1, 2023.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Fine, **Senate Bill No. 3925** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

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

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

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

Senator E. Jones III asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 3925**.

SENATE BILL RECALLED

On motion of Senator Murphy, **Senate Bill No. 3971** was recalled from the order of third reading to the order of second reading.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3971

AMENDMENT NO. 1 . Amend Senate Bill 3971 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Banking Act is amended by changing Sections 48.1 and 48.6 as follows:

(205 ILCS 5/48.1) (from Ch. 17, par. 360)

Sec. 48.1. Customer financial records; confidentiality.

(a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of:

(1) a document granting signature authority over a deposit or account;

(2) a statement, ledger card or other record on any deposit or account, which shows each transaction in or with respect to that account;

(3) a check, draft or money order drawn on a bank or issued and payable by a bank; or

(4) any other item containing information pertaining to any relationship established in the ordinary course of a bank's business between a bank and its customer, including financial statements or other financial information provided by the customer.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a bank having custody of the records, or the examination of the records by a certified public accountant engaged by the bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by a bank to, any officer, employee or agent of (i) the Commissioner of Banks and Real Estate, (ii) after May 31, 1997, a state regulatory authority authorized to examine a branch of a State bank located in another state, (iii) the Comptroller of the Currency, (iv) the Federal Reserve Board, or (v) the Federal Deposit Insurance Corporation for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to customers where the data cannot be identified to any particular customer or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a bank and other banks or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a bank and other banks or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the bank or assets or liabilities of the bank.

(7) The furnishing of information to the appropriate law enforcement authorities where the bank reasonably believes it has been the victim of a crime.

(8) The furnishing of information under the Revised Uniform Unclaimed Property Act.

(9) The furnishing of information under the Illinois Income Tax Act and the Illinois Estate and Generation-Skipping Transfer Tax Act.

(10) The furnishing of information under the federal Currency and Foreign Transactions Reporting Act Title 31, United States Code, Section 1051 et seq.

(11) The furnishing of information under any other statute that by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information about the existence of an account of a person to a judgment creditor of that person who has made a written request for that information.

(13) The exchange in the regular course of business of information between commonly owned banks in connection with a transaction authorized under paragraph (23) of Section 5 and conducted at an affiliate facility.

(14) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any bank governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the bank a reasonable fee not to exceed its actual cost incurred. A bank providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the bank in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(15) The exchange in the regular course of business of information between a bank and any commonly owned affiliate of the bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(16) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians: (i) upon subpoena by the investigatory entity or the guardian, or (ii) if there is suspicion by the bank that a customer who is an elderly person or person with a disability has been or may become the victim of financial exploitation. For the purposes of this item (16), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A bank or person furnishing information pursuant to this item (16) shall be entitled to the same rights and protections as a person furnishing information under the Adult Protective Services Act and the Illinois Domestic Violence Act of 1986.

(17) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the customer, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the customer;

(B) maintaining or servicing a customer's account with the bank; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a customer.

Nothing in this item (17), however, authorizes the sale of the financial records or information of a customer without the consent of the customer.

(18) The disclosure of financial records or information as necessary to protect against actual or potential fraud, unauthorized transactions, claims, or other liability.

(19)(A) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(B)(1) For purposes of this paragraph (19) of subsection (b) of Section 48.1, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (19) of subsection (b) of Section 48.1, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(20)(A) The furnishing of financial records of a customer to the Department to aid the Department's initial determination or subsequent re-determination of the customer's eligibility for Medicaid and Medicaid long-term care benefits for long-term care services, provided that the bank receives the written consent and authorization of the customer, which shall:

(1) have the customer's signature notarized;

(2) be signed by at least one witness who certifies that he or she believes the customer to be of sound mind and memory;

(3) be tendered to the bank at the earliest practicable time following its execution, certification, and notarization;

(4) specifically limit the disclosure of the customer's financial records to the Department; and

(5) be in substantially the following form:

CUSTOMER CONSENT AND AUTHORIZATION
FOR RELEASE OF FINANCIAL RECORDS

I, ...(Name of Customer), hereby authorize

.....
(Name of Financial Institution)

.....
(Address of Financial Institution)

to disclose the following financial records:

any and all information concerning my deposit, savings, money market, certificate of deposit, individual retirement, retirement plan, 401(k) plan, incentive plan, employee benefit plan, mutual fund and loan accounts (including, but not limited to, any indebtedness or obligation for which I am a co-borrower, co-obligor, guarantor, or surety), and any and all other accounts in which I have an interest and any other information regarding me in the possession of the Financial Institution,

to the Illinois Department of Human Services or the Illinois Department of Healthcare and Family Services, or both ("the Department"), for the following purpose(s):

to aid in the initial determination or re-determination by the State of Illinois of my eligibility for Medicaid long-term care benefits, pursuant to applicable law.

I understand that this Consent and Authorization may be revoked by me in writing at any time before my financial records, as described above, are disclosed, and that this Consent and Authorization is valid until the Financial Institution receives my written revocation. This Consent and Authorization shall constitute valid authorization for the Department identified above to inspect all such financial records set forth above, and to request and receive copies of such financial records from the Financial Institution (subject to such records search and reproduction reimbursement policies as the Financial Institution may have in place). An executed copy of this Consent and Authorization shall be sufficient and as good as the original and permission is hereby granted to honor a photostatic or electronic copy of this Consent and Authorization. Disclosure is strictly limited to the Department identified above and no other person or entity shall receive

my financial records pursuant to this Consent and Authorization. By signing this form, I agree to indemnify and hold the Financial Institution harmless from any and all claims, demands, and losses, including reasonable attorneys fees and expenses, arising from or incurred in its reliance on this Consent and Authorization. As used herein, "Customer" shall mean "Member" if the Financial Institution is a credit union.

....
(Date) (Signature of Customer)

.....
.....
(Address of Customer)

.....
(Customer's birth date)
(month/day/year)

The undersigned witness certifies that ....., known to me to be the same person whose name is subscribed as the customer to the foregoing Consent and Authorization, appeared before me and the notary public and acknowledged signing and delivering the instrument as his or her free and voluntary act for the uses and purposes therein set forth. I believe him or her to be of sound mind and memory. The undersigned witness also certifies that the witness is not an owner, operator, or relative of an owner or operator of a long-term care facility in which the customer is a patient or resident.

Dated: ....
(Signature of Witness)

.....
(Print Name of Witness)

.....
.....
(Address of Witness)

State of Illinois)
) ss.
County of .....)

The undersigned, a notary public in and for the above county and state, certifies that ....., known to me to be the same person whose name is subscribed as the customer to the foregoing Consent and Authorization, appeared before me together with the witness, ..., in person and acknowledged signing and delivering the instrument as the free and voluntary act of the customer for the uses and purposes therein set forth.

Dated: .....
Notary Public: .....
My commission expires: .....

(B) In no event shall the bank distribute the customer's financial records to the long-term care facility from which the customer seeks initial or continuing residency or long-term care services.

(C) A bank providing financial records of a customer in good faith relying on a consent and authorization executed and tendered in accordance with this paragraph (20) shall not be liable to the customer or any other person in relation to the bank's disclosure of the customer's financial records to the Department. The customer signing the consent and authorization shall indemnify and hold the bank harmless that relies in good faith upon the consent and authorization and incurs a loss because of such reliance. The bank recovering under this indemnification provision shall also be entitled to reasonable attorney's fees and the expenses of recovery.

(D) A bank shall be reimbursed by the customer for all costs reasonably necessary and directly incurred in searching for, reproducing, and disclosing a customer's financial records required or requested to be produced pursuant to any consent and authorization executed under this paragraph (20). The requested financial records shall be delivered to the Department within 10 days after receiving a properly executed consent and authorization or at the earliest practicable time thereafter if the requested records cannot be delivered within 10 days, but delivery may be delayed until the final reimbursement of all costs is received by the bank. The bank may honor a photostatic or electronic copy of a properly executed consent and authorization.

(E) Nothing in this paragraph (20) shall impair, abridge, or abrogate the right of a customer to:

(1) directly disclose his or her financial records to the Department or any other person; or

(2) authorize his or her attorney or duly appointed agent to request and obtain the customer's financial records and disclose those financial records to the Department.

(F) For purposes of this paragraph (20), "Department" means the Department of Human Services and the Department of Healthcare and Family Services or any successor administrative agency of either agency.

(c) Except as otherwise provided by this Act, a bank may not disclose to any person, except to the customer or his duly authorized agent, any financial records or financial information obtained from financial records relating to that customer of that bank unless:

(1) the customer has authorized disclosure to the person;

(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant, citation to discover assets, or court order which meets the requirements of subsection (d) of this Section; or

(3) the bank is attempting to collect an obligation owed to the bank and the bank complies with the provisions of Section 2I of the Consumer Fraud and Deceptive Business Practices Act.

(d) A bank shall disclose financial records under paragraph (2) of subsection (c) of this Section under a lawful subpoena, summons, warrant, citation to discover assets, or court order only after the bank sends ~~mails~~ a copy of the subpoena, summons, warrant, citation to discover assets, or court order to the person establishing the relationship with the bank, if living, and, otherwise the person's ~~his~~ personal representative, if known, at the person's ~~his~~ last known address by first class mail, postage prepaid, through a third-party commercial carrier or courier with delivery charge fully prepaid, by hand delivery, or by electronic delivery at an email address on file with the bank (if the person establishing the relationship with the bank has consented to receive electronic delivery and, if the person establishing the relationship with the bank is a consumer, the person has consented under the consumer consent provisions set forth in Section 7001 of Title 15 of the United States Code), unless the bank is specifically prohibited from notifying the person by order of court or by applicable State or federal law. A bank shall not mail a copy of a subpoena to any person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide Grand Jury Act.

(e) Any officer or employee of a bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(f) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) A bank shall be reimbursed for costs that are reasonably necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data required or requested to be produced pursuant to a lawful subpoena, summons, warrant, citation to discover assets, or court order. The Commissioner shall determine the rates and conditions under which payment may be made. (Source: P.A. 100-22, eff. 1-1-18; 100-664, eff. 1-1-19; 100-888, eff. 8-14-18; 101-81, eff. 7-12-19.)

(205 ILCS 5/48.6)

Sec. 48.6. Retention of records.

(a) Each bank shall retain its records in a manner consistent with prudent business practices and in accordance with this Act and applicable State or federal laws, rules, and regulations. The record retention system utilized must be able to accurately produce such records.

(b) Except where a retention period is required by State or federal laws, rules, or regulations, a bank may destroy its records subject to the considerations set forth in subsection (a). In the destruction of records, the bank shall take reasonable precautions to ensure the confidentiality of information in the records.

~~Unless a federal law requires otherwise, the Commissioner may by rule prescribe periods of time for which banks operating under this Act must retain records and after the expiration of which, the bank may destroy those records.~~ No liability shall accrue against the bank, the Commissioner, or this State for the destruction of records ~~according to rules of the Commissioner promulgated~~ under the authority of this Section. ~~In any cause or proceeding in which any records may be called in question or be demanded by any bank, a showing of the expiration of the period so prescribed shall be sufficient excuse for failure to produce them.~~
(Source: P.A. 91-929, eff. 12-15-00.)

Section 10. The Savings Bank Act is amended by changing Sections 4013 and 9011 as follows:
(205 ILCS 205/4013) (from Ch. 17, par. 7304-13)
Sec. 4013. Access to books and records; communication with members and shareholders.

(a) Every member or shareholder shall have the right to inspect books and records of the savings bank that pertain to his accounts. Otherwise, the right of inspection and examination of the books and records shall be limited as provided in this Act, and no other person shall have access to the books and records nor shall be entitled to a list of the members or shareholders.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over a deposit or account; (2) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (3) a check, draft, or money order drawn on a savings bank or issued and payable by a savings bank; or (4) any other item containing information pertaining to any relationship established in the ordinary course of a savings bank's business between a savings bank and its customer, including financial statements or other financial information provided by the member or shareholder.

(c) This Section does not prohibit:

(1) The preparation, examination, handling, or maintenance of any financial records by any officer, employee, or agent of a savings bank having custody of records or examination of records by a certified public accountant engaged by the savings bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by a savings bank to, any officer, employee, or agent of the Commissioner of Banks and Real Estate or the federal depository institution regulator for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to members or holders of capital where the data cannot be identified to any particular member, shareholder, or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a savings bank and other savings banks or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a savings bank and other savings banks or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the savings bank or assets or liabilities of the savings bank.

(7) The furnishing of information to the appropriate law enforcement authorities where the savings bank reasonably believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Revised Uniform Unclaimed Property Act.

(9) The furnishing of information pursuant to the Illinois Income Tax Act and the Illinois Estate and Generation-Skipping Transfer Tax Act.

(10) The furnishing of information pursuant to the federal Currency and Foreign Transactions Reporting Act, (Title 31, United States Code, Section 1051 et seq.).

(11) The furnishing of information pursuant to any other statute which by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any savings bank governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the savings bank a reasonable fee not to exceed its actual cost incurred. A savings bank providing information in

accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the savings bank in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A savings bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians: (i) upon subpoena by the investigatory entity or the guardian, or (ii) if there is suspicion by the savings bank that a customer who is an elderly person or person with a disability has been or may become the victim of financial exploitation. For the purposes of this item (13), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "person with a disability" means a person who has or reasonably appears to the savings bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly person or person with a disability, and includes, without limitation, misappropriation of the assets or resources of the elderly person or person with a disability by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A savings bank or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Adult Protective Services Act and the Illinois Domestic Violence Act of 1986.

(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member or holder of capital, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member or holder of capital;

(B) maintaining or servicing an account of a member or holder of capital with the savings bank; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member or holder of capital.

Nothing in this item (14), however, authorizes the sale of the financial records or information of a member or holder of capital without the consent of the member or holder of capital.

(15) The exchange in the regular course of business of information between a savings bank and any commonly owned affiliate of the savings bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(16) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(17)(a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b)(1) For purposes of this paragraph (17) of subsection (c) of Section 4013, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (17) of subsection (c) of Section 4013, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(18)(a) The furnishing of financial records of a customer to the Department to aid the Department's initial determination or subsequent re-determination of the customer's eligibility for Medicaid and Medicaid long-term care benefits for long-term care services, provided that the savings bank receives the written consent and authorization of the customer, which shall:

(1) have the customer's signature notarized;

(2) be signed by at least one witness who certifies that he or she believes the customer to be of sound mind and memory;

(3) be tendered to the savings bank at the earliest practicable time following its execution, certification, and notarization;

(4) specifically limit the disclosure of the customer's financial records to the Department; and

(5) be in substantially the following form:

CUSTOMER CONSENT AND AUTHORIZATION
FOR RELEASE OF FINANCIAL RECORDS

I, ..., hereby authorize
(Name of Customer)

.....
(Name of Financial Institution)

.....
(Address of Financial Institution)

to disclose the following financial records:

any and all information concerning my deposit, savings, money market, certificate of deposit, individual retirement, retirement plan, 401(k) plan, incentive plan, employee benefit plan, mutual fund and loan accounts (including, but not limited to, any indebtedness or obligation for which I am a co-borrower, co-obligor, guarantor, or surety), and any and all other accounts in which I have an interest and any other information regarding me in the possession of the Financial Institution,

to the Illinois Department of Human Services or the Illinois Department of Healthcare and Family Services, or both ("the Department"), for the following purpose(s):

to aid in the initial determination or re-determination by the State of Illinois of my eligibility for Medicaid long-term care benefits, pursuant to applicable law.

I understand that this Consent and Authorization may be revoked by me in writing at any time before my financial records, as described above, are disclosed, and that this Consent and Authorization is valid until the Financial Institution receives my written revocation. This Consent and Authorization shall constitute valid authorization for the Department identified above to inspect all such financial records set forth above, and to request and receive copies of such financial records from the Financial Institution (subject to such records search and reproduction reimbursement policies as the Financial Institution may have in place). An executed copy of this Consent and Authorization shall be sufficient and as good as the original and permission is hereby granted to honor a photostatic or electronic copy of this Consent and Authorization. Disclosure is strictly limited to the Department identified above and no other person or entity shall receive my financial records pursuant to this Consent and Authorization. By signing this form, I agree to indemnify and hold the Financial Institution harmless from any and all claims, demands, and losses, including reasonable attorneys fees and expenses, arising from or incurred in its reliance on this Consent and Authorization. As used herein, "Customer" shall mean "Member" if the Financial Institution is a credit union.

....
(Date) (Signature of Customer)

.....
.....
(Address of Customer)

.....
(Customer's birth date)
(month/day/year)

The undersigned witness certifies that ....., known to me to be the same person whose name is subscribed as the customer to the foregoing Consent and Authorization, appeared before me and the notary public and acknowledged signing and delivering the instrument as his or her free and voluntary act for the uses and purposes therein set forth. I believe him or her to be of sound mind and memory. The undersigned witness also certifies that the witness is not an owner, operator, or relative of an owner or operator of a long-term care facility in which the customer is a patient or resident.

Dated: ....
(Signature of Witness)

.....
(Print Name of Witness)

.....
.....
(Address of Witness)

State of Illinois)
) ss.
County of .....)

The undersigned, a notary public in and for the above county and state, certifies that ....., known to me to be the same person whose name is subscribed as the customer to the foregoing Consent and Authorization, appeared before me together with the witness, ..., in person and acknowledged signing and delivering the instrument as the free and voluntary act of the customer for the uses and purposes therein set forth.

Dated: .....
Notary Public: .....
My commission expires: .....

(b) In no event shall the savings bank distribute the customer's financial records to the long-term care facility from which the customer seeks initial or continuing residency or long-term care services.

(c) A savings bank providing financial records of a customer in good faith relying on a consent and authorization executed and tendered in accordance with this paragraph (18) shall not be liable to the customer or any other person in relation to the savings bank's disclosure of the customer's financial records to the Department. The customer signing the consent and authorization shall indemnify and hold the savings bank harmless that relies in good faith upon the consent and authorization and incurs a loss because of such reliance. The savings bank recovering under this indemnification provision shall also be entitled to reasonable attorney's fees and the expenses of recovery.

(d) A savings bank shall be reimbursed by the customer for all costs reasonably necessary and directly incurred in searching for, reproducing, and disclosing a customer's financial records required or requested to be produced pursuant to any consent and authorization executed under this paragraph (18). The requested financial records shall be delivered to the Department within 10 days after receiving a properly executed consent and authorization or at the earliest practicable time thereafter if the requested records cannot be delivered within 10 days, but delivery may be delayed until the final reimbursement of all costs is received by the savings bank. The savings bank may honor a photostatic or electronic copy of a properly executed consent and authorization.

(e) Nothing in this paragraph (18) shall impair, abridge, or abrogate the right of a customer to:

(1) directly disclose his or her financial records to the Department or any other person; or

(2) authorize his or her attorney or duly appointed agent to request and obtain the customer's financial records and disclose those financial records to the Department.

(f) For purposes of this paragraph (18), "Department" means the Department of Human Services and the Department of Healthcare and Family Services or any successor administrative agency of either agency.

(d) A savings bank may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any financial records relating to that member or shareholder of the savings bank unless:

(1) the member or shareholder has authorized disclosure to the person; or

(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant, citation to discover assets, or court order that meets the requirements of subsection (e) of this Section.

(e) A savings bank shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, citation to discover assets, or court order only after the savings bank sends ~~mails~~ a copy of the subpoena, summons, warrant, citation to discover assets, or court order to the person establishing the relationship with the savings bank, if living, and otherwise, the person's ~~his~~ personal representative, if known, at the person's ~~his~~ last known address by first class mail, postage prepaid, through a third-party commercial carrier or courier with delivery charge fully prepaid, by hand delivery, or by electronic delivery at an email address on file with the savings bank (if the person establishing the relationship with the savings bank has consented to receive electronic delivery and, if the person establishing the relationship with the savings bank is a consumer, the person has consented under the consumer consent provisions set forth in Section 7001 of Title 15 of the United States Code), unless the savings bank is specifically prohibited from notifying the person by order of court.

(f) Any officer or employee of a savings bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a savings bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(h) If any member or shareholder desires to communicate with the other members or shareholders of the savings bank with reference to any question pending or to be presented at an annual or special meeting, the savings bank shall give that person, upon request, a statement of the approximate number of members or shareholders entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member shall submit the communication to the Commissioner who, upon finding it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's or shareholder's payment or adequate provision for payment of the expenses of preparation and mailing.

(i) A savings bank shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced pursuant to a lawful subpoena, warrant, citation to discover assets, or court order.

(j) Notwithstanding the provisions of this Section, a savings bank may sell or otherwise make use of lists of customers' names and addresses. All other information regarding a customer's account is subject to the disclosure provisions of this Section. At the request of any customer, that customer's name and address shall be deleted from any list that is to be sold or used in any other manner beyond identification of the customer's accounts.

(Source: P.A. 99-143, eff. 7-27-15; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-664, eff. 1-1-19.)

(205 ILCS 205/9011) (from Ch. 17, par. 7309-11)

Sec. 9011. Record keeping and retention of records by a savings bank.

(a) Each savings bank shall retain its records in a manner consistent with prudent business practices and in accordance with this Act and applicable State or federal laws, rules, and regulations. The record retention system utilized must be able to accurately produce such records ~~is required to maintain appropriate books and records, as required by the Secretary, that are in accordance with generally accepted accounting principles and the requirements of its insurer of accounts. All books and records shall be current, complete, organized, and accessible to the Secretary, the Secretary's agents and examiners, and to the savings bank's auditors and accountants~~.

(a-5) Except where a retention period is required by State or federal laws, rules, or regulations, a savings bank may destroy its records subject to the considerations set forth in subsection (a). In the

destruction of records, the savings bank shall take reasonable precautions to ensure the confidentiality of information in the records.

(b) Each savings bank shall implement internal control and security measures for its data processing activities. A contract with a data processing service or for data processing services must provide that records maintained shall at all times be available for examination and audit by the Secretary.

(c) The Secretary may further regulate these matters by the promulgation of rules concerning data processing. As used herein, "data processing" means all electronic or automated systems of communication and data processing by computer.

(d) ~~Unless a federal law requires otherwise, the Secretary may by regulation prescribe periods of time for which savings banks operating under this Act must retain records and after the expiration of which, the savings bank may destroy those records.~~ No liability shall accrue against the savings bank, the Secretary, or this State for destruction of records ~~according to regulations of the Secretary promulgated~~ under the authority of this Section. ~~In any cause or proceeding in which any records may be called in question or be demanded by any savings bank, a showing of the expiration of the period so prescribed shall be sufficient excuse for failure to produce them.~~

(Source: P.A. 97-492, eff. 1-1-12.)

Section 15. The Illinois Credit Union Act is amended by changing Sections 10 and 10.1 as follows:

(205 ILCS 305/10) (from Ch. 17, par. 4411)

Sec. 10. Credit union records; member financial records.

(1) A credit union shall establish and maintain books, records, accounting systems and procedures which accurately reflect its operations and which enable the Department to readily ascertain the true financial condition of the credit union and whether it is complying with this Act.

(2) A photostatic or photographic reproduction of any credit union records shall be admissible as evidence of transactions with the credit union.

(3)(a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over an account, (2) a statement, ledger card or other record on any account which shows each transaction in or with respect to that account, (3) a check, draft or money order drawn on a financial institution or other entity or issued and payable by or through a financial institution or other entity, or (4) any other item containing information pertaining to any relationship established in the ordinary course of business between a credit union and its member, including financial statements or other financial information provided by the member.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a credit union having custody of such records, or the examination of such records by a certified public accountant engaged by the credit union to perform an independent audit.

(2) The examination of any financial records by or the furnishing of financial records by a credit union to any officer, employee or agent of the Department, the National Credit Union Administration, Federal Reserve board or any insurer of share accounts for use solely in the exercise of his duties as an officer, employee or agent.

(3) The publication of data furnished from financial records relating to members where the data cannot be identified to any particular customer of account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1954.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a credit union and other credit unions or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a credit union and other credit unions or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a merger or a purchase or sale of assets or liabilities of the credit union.

(7) The furnishing of information to the appropriate law enforcement authorities where the credit union reasonably believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Revised Uniform Unclaimed Property Act.

(9) The furnishing of information pursuant to the Illinois Income Tax Act and the Illinois Estate and Generation-Skipping Transfer Tax Act.

(10) The furnishing of information pursuant to the federal Currency and Foreign Transactions Reporting Act, Title 31, United States Code, Section 1051 et sequentia.

(11) The furnishing of information pursuant to any other statute which by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant or court order.

(12) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any credit union governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the credit union a reasonable fee not to exceed its actual cost incurred. A credit union providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the credit union in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A credit union shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians: (i) upon subpoena by the investigatory entity or the guardian, or (ii) if there is suspicion by the credit union that a member who is an elderly person or person with a disability has been or may become the victim of financial exploitation. For the purposes of this item (13), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "person with a disability" means a person who has or reasonably appears to the credit union to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly person or person with a disability, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A credit union or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Adult Protective Services Act and the Illinois Domestic Violence Act of 1986.

(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member;

(B) maintaining or servicing a member's account with the credit union; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member.

Nothing in this item (14), however, authorizes the sale of the financial records or information of a member without the consent of the member.

(15) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(16)(a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b)(1) For purposes of this item (16), "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this item (16), "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(17)(a) The furnishing of financial records of a member to the Department to aid the Department's initial determination or subsequent re-determination of the member's eligibility for Medicaid and Medicaid long-term care benefits for long-term care services, provided that the credit union receives the written consent and authorization of the member, which shall:

(1) have the member's signature notarized;

(2) be signed by at least one witness who certifies that he or she believes the member to be of sound mind and memory;

(3) be tendered to the credit union at the earliest practicable time following its execution, certification, and notarization;

(4) specifically limit the disclosure of the member's financial records to the Department; and

(5) be in substantially the following form:

CUSTOMER CONSENT AND AUTHORIZATION
FOR RELEASE OF FINANCIAL RECORDS

I, ...(Name of Customer), hereby authorize

.....
(Name of Financial Institution)

.....
(Address of Financial Institution)

to disclose the following financial records:

any and all information concerning my deposit, savings, money market, certificate of deposit, individual retirement, retirement plan, 401(k) plan, incentive plan, employee benefit plan, mutual fund and loan accounts (including, but not limited to, any indebtedness or obligation for which I am a co-borrower, co-obligor, guarantor, or surety), and any and all other accounts in which I have an interest and any other information regarding me in the possession of the Financial Institution,

to the Illinois Department of Human Services or the Illinois Department of Healthcare and Family Services, or both ("the Department"), for the following purpose(s):

to aid in the initial determination or re-determination by the State of Illinois of my eligibility for Medicaid long-term care benefits, pursuant to applicable law.

I understand that this Consent and Authorization may be revoked by me in writing at any time before my financial records, as described above, are disclosed, and that this Consent and Authorization is valid until the Financial Institution receives my written revocation. This Consent and Authorization shall constitute valid authorization for the Department identified above to inspect all such financial records set forth above, and to request and receive copies of such financial records from the Financial Institution (subject to such records search and reproduction reimbursement policies as the Financial Institution may have in place). An executed copy of this Consent and Authorization shall be sufficient and as good as the original and permission is hereby granted to honor a photostatic or electronic copy of this Consent and Authorization. Disclosure is strictly limited to the Department identified above and no other person or entity shall receive my financial records pursuant to this Consent and Authorization. By signing this form, I agree to indemnify and hold the Financial Institution harmless from any and all claims, demands, and losses, including reasonable attorneys fees and expenses, arising from or incurred in its reliance on this Consent and Authorization. As used herein, "Customer" shall mean "Member" if the Financial Institution is a credit union.

....
(Date) (Signature of Customer)

.....
.....
(Address of Customer)

.....
(Customer's birth date)
(month/day/year)

The undersigned witness certifies that ....., known to me to be the same person whose name is subscribed as the customer to the foregoing Consent and Authorization, appeared before me and the notary public and acknowledged signing and delivering the instrument as his or her free and voluntary act for the uses and purposes therein set forth. I believe him or her to be of sound mind and memory. The undersigned witness also certifies that the witness is not an owner, operator, or relative of an owner or operator of a long-term care facility in which the customer is a patient or resident.

Dated: ....
(Signature of Witness)

.....
(Print Name of Witness)

.....
.....
(Address of Witness)

State of Illinois)
) ss.
County of .....)

The undersigned, a notary public in and for the above county and state, certifies that ....., known to me to be the same person whose name is subscribed as the customer to the foregoing Consent and Authorization, appeared before me together with the witness, ..., in person and acknowledged signing and delivering the instrument as the free and voluntary act of the customer for the uses and purposes therein set forth.

Dated: .....
Notary Public: .....
My commission expires: .....

(b) In no event shall the credit union distribute the member's financial records to the long-term care facility from which the member seeks initial or continuing residency or long-term care services.

(c) A credit union providing financial records of a member in good faith relying on a consent and authorization executed and tendered in accordance with this item (17) shall not be liable to the member or any other person in relation to the credit union's disclosure of the member's financial records to the Department. The member signing the consent and authorization shall indemnify and hold the credit union harmless that relies in good faith upon the consent and authorization and incurs a loss because of such reliance. The credit union recovering under this indemnification provision shall also be entitled to reasonable attorney's fees and the expenses of recovery.

(d) A credit union shall be reimbursed by the member for all costs reasonably necessary and directly incurred in searching for, reproducing, and disclosing a member's financial records required or requested to be produced pursuant to any consent and authorization executed under this item (17). The requested financial records shall be delivered to the Department within 10 days after receiving a properly executed consent and authorization or at the earliest practicable time thereafter if the requested records cannot be delivered within 10 days, but delivery may be delayed until the final reimbursement of all costs is received by the credit union. The credit union may honor a photostatic or electronic copy of a properly executed consent and authorization.

(e) Nothing in this item (17) shall impair, abridge, or abrogate the right of a member to:

(1) directly disclose his or her financial records to the Department or any other person; or

(2) authorize his or her attorney or duly appointed agent to request and obtain the member's financial records and disclose those financial records to the Department.

(f) For purposes of this item (17), "Department" means the Department of Human Services and the Department of Healthcare and Family Services or any successor administrative agency of either agency.

(18) The furnishing of the financial records of a member to an appropriate law enforcement authority, without prior notice to or consent of the member, upon written request of the law enforcement authority, when reasonable suspicion of an imminent threat to the personal security and safety of the member exists that necessitates an expedited release of the member's financial records, as determined by the law enforcement authority. The law enforcement authority shall include a brief explanation of the imminent threat to the member in its written request to the credit union. The written request shall reflect that it has been authorized by a supervisory or managerial official of the law enforcement authority. The decision to furnish the financial records of a member to a law enforcement authority shall be made by a supervisory or managerial official of the credit union. A credit union providing information in accordance with this item (18) shall not be liable to the member or any other person for the disclosure of the information to the law enforcement authority.

(c) Except as otherwise provided by this Act, a credit union may not disclose to any person, except to the member or his duly authorized agent, any financial records relating to that member of the credit union unless:

(1) the member has authorized disclosure to the person;

(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant, citation to discover assets, or court order that meets the requirements of subparagraph (3)(d) of this Section; or

(3) the credit union is attempting to collect an obligation owed to the credit union and the credit union complies with the provisions of Section 2I of the Consumer Fraud and Deceptive Business Practices Act.

(d) A credit union shall disclose financial records under item (3)(c)(2) of this Section pursuant to a lawful subpoena, summons, warrant, citation to discover assets, or court order only after the credit union sends ~~mails~~ a copy of the subpoena, summons, warrant, citation to discover assets, or court order to the person establishing the relationship with the credit union, if living, and otherwise the person's ~~his~~ personal representative, if known, at the person's ~~his~~ last known address by first class mail, postage prepaid, through a third-party commercial carrier or courier with delivery charge fully prepaid, by hand delivery, or by electronic delivery at an email address on file with the credit union (if the person establishing the relationship with the credit union has consented to receive electronic delivery and, if the person establishing the relationship with the credit union is a consumer, the person has consented under the consumer consent provisions set forth in Section 7001 of Title 15 of the United States Code), unless the credit union is specifically prohibited from notifying the person by order of court or by applicable State or federal law. In the case of a grand jury subpoena, a credit union shall not mail a copy of a subpoena to any person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide Grand Jury Act or notifying the person would constitute a violation of the federal Right to Financial Privacy Act of 1978.

(e)(1) Any officer or employee of a credit union who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and upon conviction thereof shall be fined not more than $1,000.

(2) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a credit union to disclose financial records in violation of this Section is guilty of a business offense and upon conviction thereof shall be fined not more than $1,000.

(f) A credit union shall be reimbursed for costs which are reasonably necessary and which have been directly incurred in searching for, reproducing or transporting books, papers, records or other data of a member required or requested to be produced pursuant to a lawful subpoena, summons, warrant, citation to discover assets, or court order. The Secretary and the Director may determine, by rule, the rates and conditions under which payment shall be made. Delivery of requested documents may be delayed until final reimbursement of all costs is received.

(Source: P.A. 100-22, eff. 1-1-18; 100-664, eff. 1-1-19; 100-778, eff. 8-10-18; 101-81, eff. 7-12-19.)

(205 ILCS 305/10.1)

Sec. 10.1. Retention of records.

(a) Each credit union shall retain its records in a manner consistent with prudent business practices and in accordance with this Act and applicable State or federal laws, rules, and regulations. The record retention system utilized must be able to accurately produce such records.

(b) Except where a retention period is required by State or federal laws, rules, or regulations, a credit union may destroy its records subject to the considerations set forth in subsection (a). In the destruction of records, the credit union shall take reasonable precautions to ensure the confidentiality of information in the records.

(c) ~~Unless a federal law requires otherwise, the Secretary and the Director may by rule prescribe periods of time for which credit unions operating under this Act must retain records and after the expiration of which the credit union may destroy those records.~~ No liability shall accrue against the credit union, the Secretary, or this State for the destruction of records ~~according to rules of the Secretary promulgated~~ under the authority of this Section. ~~In any cause or proceeding in which any records may be called in question or be demanded from any credit union, a showing of the expiration of the period so prescribed shall be sufficient excuse for failure to produce them.~~

(Source: P.A. 97-133, eff. 1-1-12.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Murphy, **Senate Bill No. 3971** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Sims, **Senate Bill No. 3930** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Sims, **Senate Bill No. 3932** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 43; NAYS 4.

The following voted in the affirmative:

Aquino	Fowler	Lightford	Simmons
Belt	Gillespie	Loughran Cappel	Sims
Bennett	Glowiak Hilton	Martwick	Stadelman
Bush	Harris	McClure	Turner, D.
Castro	Hastings	Morrison	Turner, S.
Collins	Holmes	Muñoz	Van Pelt
Connor	Hunter	Murphy	Villa
Cunningham	Johnson	Pacione-Zayas	Villanueva
Curran	Jones, E.	Peters	Villivalam
Feigenholtz	Koehler	Rezin	Mr. President
Fine	Landek	Rose	

The following voted in the negative:

Bailey	Plummer
Bryant	Wilcox

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

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

On motion of Senator Sims, **Senate Bill No. 3936** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

Senator Tracy asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 3936**.

On motion of Senator Sims, **Senate Bill No. 3938** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Sims, **Senate Bill No. 3939** was recalled from the order of third reading to the order of second reading.

Senator Sims offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3939

AMENDMENT NO. 1 . Amend Senate Bill 3939 as follows:

on page 18, line 3, by deleting "and school districts"; and

by replacing line 25 on page 20 through line 12 on page 21 with the following:

"(20 ILCS 1375/5-30 new)

Sec. 5-30. Local government employee cybersecurity training. Every employee of a county or municipality shall annually complete a cybersecurity training program. The training shall include, but need not be limited to, detecting phishing scams, preventing spyware infections and identity theft, and preventing and responding to data breaches. The Department shall make available to each county and municipality a training program for employees that complies with the content requirements of this Section. A county or municipality may create its own cybersecurity training program.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Sims, **Senate Bill No. 3939** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

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

Curran Landek Simmons

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

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

SENATE BILL RECALLED

On motion of Senator Murphy, **Senate Bill No. 3972** was recalled from the order of third reading to the order of second reading.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3972

AMENDMENT NO. 1 . Amend Senate Bill 3972 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 2-3.195 as follows:

(105 ILCS 5/2-3.195 new)

Sec. 2-3.195. Direct support professional training program. Beginning with the 2025-2026 school year and continuing for not less than 2 years, the State Board of Education shall make available a model program of study that incorporates the training and experience necessary to serve as a direct support professional. By July 1, 2023, the State Board shall submit recommendations developed in consultation with stakeholders, including, but not limited to, organizations representing community-based providers serving children and adults with intellectual or developmental disabilities, and education practitioners, including, but not limited to, teachers, administrators, special education directors, and regional superintendents of schools, to the Department of Human Services for the training that would be required in order to be complete the model program of study.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Murphy, **Senate Bill No. 3972** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Sims
Aquino	Fine	Loughran Cappel	Stadelman
Bailey	Fowler	Martwick	Stoller
Barickman	Gillespie	McClure	Syverson
Belt	Glowiak Hilton	McConchie	Tracy
Bennett	Harris	Morrison	Turner, D.
Bryant	Hastings	Muñoz	Turner, S.
Bush	Holmes	Murphy	Van Pelt
Castro	Hunter	Pacione-Zayas	Villa
Collins	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam

Crowe	Joyce	Rezin	Wilcox
Cunningham	Koehler	Rose	Mr. President
Curran	Landek	Simmons	

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

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

On motion of Senator Pacione-Zayas, **Senate Bill No. 3986** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS 2.

The following voted in the affirmative:

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

The following voted in the negative:

Curran
Plummer

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

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

SENATE BILL RECALLED

On motion of Senator Bush, **Senate Bill No. 4006** was recalled from the order of third reading to the order of second reading.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 4006

AMENDMENT NO. 1 . Amend Senate Bill 4006 by replacing everything after the enacting clause with the following:

"Section 5. The Autism Spectrum Disorders Reporting Act is amended by adding Section 32 as follows:

(410 ILCS 201/32 new)

Sec. 32. Reporting; access to applied behavior analysis. No later than December 31st of each year, the Department of Healthcare and Family Services shall submit a report to the General Assembly regarding access to applied behavior analysis therapy for people diagnosed with autism spectrum disorder. The report shall include, but is not limited to, the following information:

(1) The number of Medicaid-enrolled providers in the State of Illinois certified to provide applied behavior analysis therapy services, in accordance with administrative rules and Department of Healthcare and Family Services policy.

(2) The number of Medicaid-enrolled children in Illinois with an autism spectrum disorder diagnosis and who receive applied behavior analysis therapy services.

(3) Information concerning the development and public distribution of low-literacy materials that will inform and educate parents of children with autism spectrum disorder who are enrolled in Medicaid and eligible to receive applied behavior analysis therapy treatment about this benefit and how to access it.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Bush, **Senate Bill No. 4006** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator E. Jones III, **Senate Bill No. 4013** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

Senator Pacione-Zayas asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 4013**.

SENATE BILL RECALLED

On motion of Senator E. Jones III, **Senate Bill No. 4014** was recalled from the order of third reading to the order of second reading.

Senator E. Jones III offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 4014

AMENDMENT NO. 1 . Amend Senate Bill 4014 on page 11, lines 13 and 14, by deleting "virtual wholesalers or virtual distributors;".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator E. Jones III, **Senate Bill No. 4014** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Sims
Aquino	Fine	Loughran Cappel	Stadelman
Bailey	Fowler	Martwick	Stoller
Barickman	Gillespie	McClure	Syverson
Belt	Glowiak Hilton	McConchie	Tracy

Bennett	Harris	Morrison	Turner, D.
Bryant	Hastings	Muñoz	Turner, S.
Bush	Holmes	Murphy	Van Pelt
Castro	Hunter	Pacione-Zayas	Villa
Collins	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Crowe	Joyce	Rezin	Wilcox
Cunningham	Koehler	Rose	Mr. President
Curran	Landek	Simmons	

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

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

SENATE BILL RECALLED

On motion of Senator E. Jones III, **Senate Bill No. 4016** was recalled from the order of third reading to the order of second reading.

Senator E. Jones III offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 4016

AMENDMENT NO. 1 . Amend Senate Bill 4016 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Sections 4.33 and 4.38 as follows:

(5 ILCS 80/4.33)

Sec. 4.33. Acts repealed on January 1, 2023. The following Acts are repealed on January 1, 2023:

The Dietitian Nutritionist Practice Act.

The Elevator Safety and Regulation Act.

The Fire Equipment Distributor and Employee Regulation Act of 2011.

The Funeral Directors and Embalmers Licensing Code.

~~The Naprapathic Practice Act.~~

The Pharmacy Practice Act.

The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act.

The Wholesale Drug Distribution Licensing Act.

(Source: P.A. 101-621, eff. 12-20-19.)

(5 ILCS 80/4.38)

Sec. 4.38. Acts repealed on January 1, 2028. The following Acts are repealed on January 1, 2028:

The Acupuncture Practice Act.

The Clinical Social Work and Social Work Practice Act.

The Home Medical Equipment and Services Provider License Act.

The Illinois Petroleum Education and Marketing Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Interpreter for the Deaf Licensure Act of 2007.

The Naprapathic Practice Act.

The Nurse Practice Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

(Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17; 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff. 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17; 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

Section 10. The Naprapathic Practice Act is amended by changing Sections 10, 15, 17, 57, 110, 125, 145, 150, 155, 165, and 190 and by adding Sections 11 and 36 as follows:

(225 ILCS 63/10)

(Section scheduled to be repealed on January 1, 2023)

Sec. 10. Definitions. In this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. ~~It is the duty of the applicant or licensee to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.~~

"Board" means the Board of Naprapathy appointed by the Secretary.

"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.

"Naprapath" means a person who practices Naprapathy and who has met all requirements as provided in the Act.

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

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

"Referral" means the following of guidance or direction to the naprapath given by the licensed physician, dentist, or podiatric physician who maintains supervision of the patient.

~~"Documented current and relevant diagnosis" means a diagnosis, substantiated by signature or oral verification of a licensed physician, dentist, or podiatric physician, that a patient's condition is such that it may be treated by naprapathy as defined in this Act, which diagnosis shall remain in effect until changed by the licensed physician, dentist, or podiatric physician.~~

(Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13.)

(225 ILCS 63/11 new)

Sec. 11. Address of record; email address of record. All applicants and licensees shall:

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

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

(225 ILCS 63/15)

(Section scheduled to be repealed on January 1, 2023)

Sec. 15. Practice of naprapathy defined; referrals. Naprapathic practice means the identification, evaluation, and treatment ~~evaluation~~ of persons with connective tissue disorders through the use of naprapathic case history and palpation or treatment of persons by the use of connective tissue manipulation, therapeutic and rehabilitative exercise, postural counseling, nutritional counseling, and the use of the effective properties of physical measures of heat, cold, light, water, radiant energy, electricity, sound and air, and assistive devices for the purpose of preventing, correcting, or alleviating a physical disability.

Naprapathic practice includes, but is not limited to, the treatment of contractures, muscle spasms, inflammation, scar tissue formation, adhesions, lesions, laxity, hypotonicity, rigidity, structural imbalance, bruising, contusions, muscular atrophy, and partial separation of connective tissue fibers.

Naprapathic practice also includes: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from licensed physicians, dentists, and podiatric physicians, (d) establishment and modification of naprapathic treatment programs, and (e) supervision or teaching of naprapathy.

Naprapathic practice does not include radiology, surgery, pharmacology, or invasive diagnostic testing~~, or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a naprapath licensed under this Act from performing an evaluation authorized under this Act~~. A naprapath licensed under this Act who is not also licensed as a physical therapist under the Illinois Physical Therapy Act shall not hold himself or herself out as qualified to provide physical therapy or physiotherapy services. Nothing in this Section shall limit a naprapath from employing appropriate naprapathic techniques that he or she is educated and licensed to perform. A naprapath shall refer to a licensed physician, dentist, or podiatric physician any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of

the naprapath. A naprapath shall order additional screening if the patient does not demonstrate measurable or functional improvement after 6 visits and continued improvement thereafter. A naprapath shall refer a patient to the patient's treating health care professional of record or, in the case where there is no health care professional of record, to a health care professional of the patient's choice, if the patient's condition, at the time of evaluation or services, is determined to be beyond the scope of practice of the naprapath.

(Source: P.A. 98-214, eff. 8-9-13.)

(225 ILCS 63/17)

(Section scheduled to be repealed on January 1, 2023)

Sec. 17. Educational and professional qualifications for licensure. A person may be qualified to receive a license as a naprapath if he or she:

(1) is at least 21 ~~18~~ years of age and of good moral character;

(2) for licenses granted on or before December 31, 2027, has graduated from a 2-year ~~2 year~~ college level program or its equivalent approved by the Department;

(2.5) for licenses granted on or after January 1, 2028, has graduated from a 4-year college level program or its equivalent approved by the Department;

(3) has graduated from a curriculum in naprapathy approved by the Department. In approving a curriculum in naprapathy, the Department shall consider, but not be bound by, a curriculum approved by the American Naprapathic Association, the Illinois Naprapathic Association, or a national or regional accrediting body recognized by the United States Department of Education;

(4) has passed an examination approved by the Department to determine a person's fitness to practice as a naprapath; and

(5) has met all other requirements of the Act.

The Department has the right and may request a personal interview with an applicant to further evaluate a person's qualifications for a license.

(Source: P.A. 97-778, eff. 7-13-12.)

(225 ILCS 63/36 new)

Sec. 36. Board of Naprapathy. The Secretary shall appoint a Board of Naprapathy to consist of 7 persons who shall serve in an advisory capacity to the Secretary. Four members must hold an active license to engage in the practice of naprapathy, one member shall be a physician licensed under the Medical Practice Act of 1987, one member shall be an acupuncturist licensed under the Acupuncture Practice Act, and one member of the public.

Members shall serve 4-year terms and until their successors are appointed and qualified. No member may be appointed to more than 2 consecutive full terms. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this amendatory Act of the 102nd General Assembly.

The Board may annually elect a chairperson and a vice-chairperson who shall preside in the absence of the chairperson. The membership of the Board shall reasonably reflect the demographic diversity of the State as well as representation from the geographic areas in this State. The Secretary may terminate the appointment of any member for cause. The Secretary may give due consideration to all recommendations of the Board. A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise the right and perform all duties of the Board. Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.

(225 ILCS 63/57)

(Section scheduled to be repealed on January 1, 2023)

Sec. 57. Social Security Number on license application. In addition to any other information required to be contained in the application, every application for an original~~, renewal, reinstated, or restored~~ license under this Act shall include the applicant's Social Security Number, which shall be retained in the agency'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 or restored license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12; 97-778, eff. 7-13-12.)

(225 ILCS 63/110)

(Section scheduled to be repealed on January 1, 2023)

Sec. 110. Grounds for disciplinary action; refusal, revocation, suspension.

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

(1) Violations of this Act or of rules adopted under this Act.

(2) Making a material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession ~~Material misstatement in furnishing information to the Department~~.

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

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

(5) Professional incompetence or gross negligence.

(6) Malpractice.

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

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

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(10) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substance which results in the inability to practice with reasonable judgment, skill, or safety.

(11) Discipline by another U.S. jurisdiction or foreign nation if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. This shall not be deemed to include rent or other remunerations paid to an individual, partnership, or corporation by a naprapath for the lease, rental, or use of space, owned or controlled by the individual, partnership, corporation, or association. Nothing in this paragraph (12) 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 (12) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(13) Using the title "Doctor" or its abbreviation without further clarifying that title or abbreviation with the word "naprapath" or "naprapathy" or the designation "D.N.".

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

(15) Abandonment of a patient without cause.

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

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

(18) Physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(19) Solicitation of professional services by means other than permitted advertising.

(20) Failure to provide a patient with a copy of his or her record upon the written request of the patient.

(21) Cheating on or attempting to subvert the licensing examination administered under this Act.

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

(23) (Blank).

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

(25) Practicing under a false or, except as provided by law, an assumed name.

(26) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(27) Maintaining a professional relationship with any person, firm, or corporation when the naprapath knows, or should know, that the person, firm, or corporation is violating this Act.

(28) Promotion of the sale of food supplements, devices, appliances, or goods provided for a client or patient in such manner as to exploit the patient or client for financial gain of the licensee.

(29) Having treated ailments of human beings other than by the practice of naprapathy as defined in this Act unless authorized to do so by State law. ~~, or having treated ailments of human beings as a licensed naprapath independent of a documented referral or documented current and relevant diagnosis from a physician, dentist, or podiatric physician, or having failed to notify the physician, dentist, or podiatric physician who established a documented current and relevant diagnosis that the patient is receiving naprapathic treatment pursuant to that diagnosis.~~

(30) Use by a registered naprapath of the word "infirmary", "hospital", "school", "university", in English or any other language, in connection with the place where naprapathy may be practiced or demonstrated.

(31) Continuance of a naprapath in the employ of any person, firm, or corporation, or as an assistant to any naprapath or naprapaths, directly or indirectly, after his or her employer or superior has been found guilty of violating or has been enjoined from violating the laws of the State of Illinois relating to the practice of naprapathy when the employer or superior persists in that violation.

(32) The performance of naprapathic service in conjunction with a scheme or plan with another person, firm, or corporation known to be advertising in a manner contrary to this Act or otherwise violating the laws of the State of Illinois concerning the practice of naprapathy.

(33) Failure to provide satisfactory proof of having participated in approved continuing education programs as determined by and approved by the Secretary. Exceptions for extreme hardships are to be defined by the rules of the Department.

(34) (Blank).

(35) Gross or willful overcharging for professional services.

(36) (Blank).

All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine, unless an alternate payment schedule has been agreed upon in writing.

(b) A person not licensed under this Act and engaged in the business of offering naprapathy services through others, shall not aid, abet, assist, procure, advise, employ, or contract with any unlicensed person to practice naprapathy contrary to any rules or provisions of this Act. A person violating this subsection (b) shall be treated as a licensee for the purposes of disciplinary action under this Section and shall be subject to cease and desist orders as provided in Section 90 of this Act. ~~The Department may refuse to issue or may suspend without hearing, as provided for in the Department of Professional Regulation Law of the Civil Administrative Code, the license of any person who fails to file a return, or pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.~~

(b-5) The Department may refuse to issue or may suspend the license of any person who fails to file a tax return, to pay the tax, penalty, or interest shown in a filed tax return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(c) (Blank).

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

(e) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension shall end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring a suspended license.

(f) In enforcing this Act, the Department, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician under the Medical Practice Act of 1987. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing. ~~and evaluation, or both, which may include a substance abuse or sexual offender evaluation, as required by and at the expense of the Department. The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation, or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.~~

~~The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records including business records that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning the examination and evaluation of the licensee or applicant, including testimony concerning any supplemental testing or documents in any way related to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination and evaluation, or both, when directed, shall result in an automatic suspension without hearing, until such time as the individual submits to the examination.~~

A person holding a license under this Act or who has applied for a license under this Act who, because of a physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or

safety, may be required by the Department to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. Submission to care, counseling, or treatment as required by the Department shall not be considered discipline of a license. If the licensee refuses to enter into a care, counseling, or treatment agreement or fails to abide by the terms of the agreement, the Department may file a complaint to revoke, suspend, or otherwise discipline the license of the individual. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in disciplinary actions involving physical or mental illness or impairment.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and the Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 100-872, eff. 8-14-18.)

(225 ILCS 63/125)

(Section scheduled to be repealed on January 1, 2023)

Sec. 125. Investigation; notice; hearing. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. Before refusing to issue, refusing to renew, or taking any disciplinary action under Section 110 regarding a license, the Department shall, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license of the nature of any charges and that a hearing will be held on a date designated. The Department shall direct the applicant or licensee to file a written answer with the Department under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer shall result in default being taken against the applicant or licensee. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. If the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Department, be revoked, suspended, or 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 under the Act. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Department may continue the hearing for a period not to exceed 30 days. The written notice in the subsequent proceeding may be served by U.S. ~~registered or certified~~ mail or email to the licensee's address or email address of record.

(Source: P.A. 97-778, eff. 7-13-12.)

(225 ILCS 63/145)

(Section scheduled to be repealed on January 1, 2023)

Sec. 145. Findings of facts, conclusions of law, and recommendations. At the conclusion of the hearing the Board ~~hearing officer~~ 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 or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board ~~hearing officer~~ 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 recommendations of the Board ~~hearing officer~~ shall be the basis for the Department's order refusing to issue, restore, or renew a license, or otherwise disciplining a licensee. If the Secretary disagrees in any regard with the report of the Board ~~hearing officer~~, the Secretary may issue an order in contravention of the Board ~~hearing officer'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.

~~If the Secretary fails to issue a final order within 30 days after the receipt of the hearing officer's findings of fact, conclusions of law, and recommendations, then the hearing officer's findings of fact, conclusions of law, and recommendations shall become a final order of the Department without further review.~~

(Source: P.A. 97-778, eff. 7-13-12.)

(225 ILCS 63/150)

(Section scheduled to be repealed on January 1, 2023)

Sec. 150. Hearing officer. The Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for Departmental refusal to issue, renew, or license an applicant, or disciplinary action against a licensee. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board shall review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary. ~~If the Secretary disagrees with the recommendation of the hearing officer, he or she may issue an order in contravention of that recommendation.~~

(Source: P.A. 97-778, eff. 7-13-12.)

(225 ILCS 63/155)

(Section scheduled to be repealed on January 1, 2023)

Sec. 155. Service of report; rehearing; order. In any case involving the refusal to issue or renew or the discipline of a license, a copy of the Board's ~~hearing officer's~~ report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after the service, the respondent may present to the Department a motion in writing for a rehearing that shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon the denial the Secretary may enter an order in accordance with this Act. If the respondent orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which the motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 97-778, eff. 7-13-12.)

(225 ILCS 63/165)

(Section scheduled to be repealed on January 1, 2023)

Sec. 165. Order or certified copy as prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof:

(a) that the signature is the genuine signature of the Secretary; ~~and~~

(b) that such Secretary is duly appointed and qualified; and ~~.~~

(c) that the Board and its members are qualified to act.

(Source: P.A. 97-778, eff. 7-13-12.)

(225 ILCS 63/190)

(Section scheduled to be repealed on January 1, 2023)

Sec. 190. The Department shall not be required to certify any record to the Court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department receives from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. ~~Exhibits shall be certified without cost.~~ Failure on the part of the plaintiff to file a receipt in court is grounds for dismissal of the action.

(Source: P.A. 97-778, eff. 7-13-12.)

(225 ILCS 63/95 rep.)

Section 15. The Naprapathic Practice Act is amended by repealing Section 95.

Section 99. Effective date. This Section and Section 5 take effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator E. Jones III, **Senate Bill No. 4016** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

Senator Pacione-Zayas asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 4016**.

On motion of Senator E. Jones III, **Senate Bill No. 4017** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Cunningham, **Senate Bill No. 4044** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Martwick, **Senate Bill No. 4053** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator D. Turner, **Senate Bill No. 3908** was recalled from the order of third reading to the order of second reading.

Senator D. Turner offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3908

AMENDMENT NO. 2 . Amend Senate Bill 3908, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Civil Administrative Code of Illinois is amended by changing Section 5-560 as follows:

(20 ILCS 5/5-560) (was 20 ILCS 5/6.08)

Sec. 5-560. In the Department of Natural Resources. An Advisory Board to the Department of Natural Resources, composed of 13 persons~~, one of whom shall be a senior citizen age 60 or over~~. Of the 13 appointed members, at least 2 shall represent hunting and fishing interests, 2 shall represent natural areas protection interests, 2 shall represent urban conservation interests, one shall represent parks and recreation interests, one shall represent outdoor powersport usage interests, one shall be a member of a statewide association of trappers and represent trapping interests, one shall represent forestry interests, and the remaining 3 shall be residents of this State. The Governor shall appoint a chair who will preside over the Board's meetings.

~~In the appointment of the initial members the Governor shall designate 3 persons to serve for 2 years, 3 for 4 years, and 3 for 6 years from the third Monday in January of the odd numbered year in which the term commences. The members first appointed under this amendatory Act of 1984 shall serve a term of 6 years commencing on the third Monday in January, 1985. The members first appointed under this amendatory Act of the 91st General Assembly shall each be appointed to a term of office to expire on the third Monday in January of 2006. All subsequent appointments shall be for terms of 6 years.~~

Notwithstanding any provision of law to the contrary, the term of office of each member of the Board is abolished on August 1, 2022. Incumbent members holding a position on the Board on August 1, 2022 may be reappointed. In making appointments to fill the vacancies created on August 1, 2022, the Governor shall designate 4 members to serve until the third Monday of January, 2024, 4 members to serve until the third Monday of January, 2025, and 5 members to serve until the third Monday of January, 2026. All newly appointed members shall serve until their successors are appointed and qualified. Their successors shall be appointed to serve for 3-year terms expiring on the 3rd anniversary of their appointment or until their successors are appointed and qualified. Each subsequent appointment shall be for a term of 3 years.

The Advisory Board shall formulate and present long range recommendations to ~~policies for guidance of~~ the Department in: the protection and conservation of renewable resources of the State ~~of Illinois~~; the development of areas and facilities for outdoor recreation; the proper restoration and management of forest and woodland resources for forest products and ecosystem services ~~prevention of timber destruction and other forest growth by fire or otherwise~~; the reforestation of suitable lands of this State; the extension of cooperative support to other agencies of this State in preventing ~~and guarding against~~ the pollution of streams and lakes within the State; the management of fish and ~~the~~ wildlife resources and the habitats upon which they depend, including species of greatest conservation need ~~migratory fowl, and fisheries resources, including the construction of new water impoundment areas~~; the development of an adequate research program for fish, wildlife ~~game~~, ~~and~~ forestry, and conservation of the State's biodiversity through cooperation with and support of the Illinois Natural History Survey and the State University system; the development and dissemination of information and educational resources that promote a conservation-literate population; the development of innovative partnerships that assist the Department in

accomplishing its broad mission; the Department's grant programs; and the development of law and policy ~~expressing of policies for proper dissemination of and enforcement of the various laws~~ pertinent to the conservation programs ~~program~~ of Illinois and the nation.

~~The Board shall make a study of the personnel structure of the Department and shall, from time to time, make recommendations to the Governor and the Director of Natural Resources for a merit system of employment and for the revision of the position classification to the extent which Civil Service classification should apply in departmental positions.~~

The Board may advise on ~~shall make studies of~~ the land acquisition needs of the Department and make recommendations from time to time as to necessary acquisition of lands for fish ~~fisheries~~, wildlife ~~game~~, forestry, conservation of natural areas, and recreational development.

The Board may recommend to the Director of Natural Resources any reductions or increases of seasons and bag or possession limits or the closure of any season when research and inventory data indicate the need for those changes.

Board members shall be reimbursed for any necessary travel expenses incurred in the performance of their duties.

(Source: P.A. 90-435, eff. 1-1-98; 91-239, eff. 1-1-00; 91-798, eff. 7-9-00.)

Section 10. The Wildlife Code is amended by changing Section 1.3 as follows:

(520 ILCS 5/1.3)

Sec. 1.3. The Department shall have the authority to manage wildlife and regulate the taking of wildlife for the purposes of providing public recreation and controlling wildlife populations. The seasons during which wildlife may be taken, the methods for taking wildlife, the daily bag limits, and the possession limits shall be established by the Department through administrative rule, but the Department may not provide for a longer season, a larger daily bag limit, or a larger possession limit than is provided in this Code.

~~The Natural Resources Advisory Board may also recommend to the Director of Natural Resources any reductions or increases of seasons and bag or possession limits or the closure of any season when research and inventory data indicate the need for such changes.~~

The Department is authorized to establish seasons for the taking of migratory birds within the dates established annually by Proclamation of the Secretary, United States Department of the Interior, known as the "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20 et seq.). When the biological balance of any species is affected, the Director may ~~with the approval of the Conservation Advisory Board~~, by administrative rule, lengthen, shorten or close the season during which waterfowl may be taken within the federal limitations prescribed. If the Department does not adopt an administrative rule establishing a season, then the season shall be as set forth in the current "Rules and Regulations for Migratory Bird Hunting". The Department shall advise the public by reasonable means of the dates of the various seasons.

The Department may utilize the services of the staff of the Illinois Natural History Survey of the University of Illinois for making investigations as to the population status of the various species of wildlife.

Employees or agents of any state, federal, or municipal government or body when engaged in investigational work and law enforcement, may with prior approval of the Director, be exempted from the provisions of this Act.

(Source: P.A. 98-346, eff. 8-14-13.)

Section 15. The Illinois Open Land Trust Act is amended by changing Sections 15 and 25 as follows:

(525 ILCS 33/15)

Sec. 15. Powers and duties. The Department of Natural Resources has the following powers and duties:

(a) To develop and administer the Illinois Open Land Trust program.

(b) To acquire real property, including, but not limited to, open space and natural areas for conservation and recreation purposes. The lands shall be held in (i) fee simple title or (ii) conservation easements for natural areas, provided that these mechanisms are all voluntary on the part of the landowners and do not involve the use of eminent domain.

(c) To make grants to units of local government under Section 25 of this Act ~~in consultation with the Natural Resources Advisory Board~~.

(d) To make loans to units of local government under Section 30 of this Act ~~in consultation with the Natural Resources Advisory Board~~.

(e) To promulgate any rules, regulations, guidelines, and directives necessary to implement the purposes of this Act.

(f) To execute contracts, grant or loan agreements, memoranda of understanding, intergovernmental cooperation agreements, and any other agreements with other State agencies and units of local government that are necessary to implement this Act.

(g) To execute contracts, memoranda of understanding, and any other agreements with not-for-profit corporations that are consistent with the purpose of this Act.

(h) To accept grants, loans, or appropriations from the federal government or the State, or any agency or instrumentality thereof, for the purposes of the Department under this Act, including to make loans of any funds and to enter into any agreement with the federal government or the State, or any agency or instrumentality thereof, in relationship to the grants, loans, or appropriations.

(i) To establish any interest rates, terms of repayment, and other terms and conditions regarding loans made pursuant to this Act that the Department deems necessary or appropriate to protect the public interest and carry out the purposes of this Act.

(j) To establish application, eligibility, selection, notification, contract, and other procedures, rules, or regulations deemed necessary and appropriate to carry out the provisions of this Act.

(k) To fix, determine, charge, and collect any premiums, fees, charges, costs, and expenses, including, without limitation, any application fees, commitment fees, program fees, or financing charges from any person in connection with its activities under this Act.

(l) To report annually to the Governor and the General Assembly on the progress made in implementing this Act and on the status of all real property acquired pursuant to the Act.

(Source: P.A. 91-220, eff. 7-21-99.)

(525 ILCS 33/25)

Sec. 25. Grant program. From appropriations for these purposes, the Department may make grants to units of local government as financial assistance for the acquisition of open space and natural lands if the Department determines that the property interests are sufficient to carry out the purposes of this Act.

The Department shall adopt rules concerning the selection or grant recipients, amount of grant awards, and eligibility requirements. The rules must include the following additional requirements:

(1) No more than $2,000,000 may be awarded to any grantee for a single project for any fiscal year.

(2) Any grant under this Act must be conditioned upon the grantee providing a required match as defined by rule.

(3) Funds may be used only to purchase interests in land from willing sellers and may not involve the use of eminent domain.

(4) (Blank). ~~The Department shall provide for a public meeting to be conducted by the Natural Resources Advisory Board prior to grant approval.~~

(5) All real property acquired with grant funds must be accessible to the public for conservation and recreation purposes, unless the Department determines that public accessibility would be detrimental to the real property or any associated natural resources.

(6) No real property acquired with grant funds may be sold, leased, exchanged, or otherwise encumbered, unless it is used to qualify for a federal program or, subject to Department approval, transferred to the federal government, the State, or a unit of local government for conservation and recreation purposes consistent with this Act.

(7) All grantees must agree to convey to the State at no charge a conservation easement on the lands to be acquired using the grant funds.

(8) Grantees must agree to manage lands in accordance with the terms of the grant. Any changes in management must be approved by the Department before implementation.

(9) The Department is authorized to promulgate, by rule, any other reasonable requirements determined necessary to effectively implement this Act.

(Source: P.A. 91-220, eff. 7-21-99.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator D. Turner, **Senate Bill No. 3908** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 37; NAYS 14.

The following voted in the affirmative:

Aquino	Gillespie	Lightford	Stadelman
Belt	Glowiak Hilton	Loughran Cappel	Turner, D.
Bennett	Harris	Martwick	Van Pelt
Bush	Hastings	Morrison	Villa
Castro	Holmes	Muñoz	Villanueva
Collins	Hunter	Murphy	Villivalam
Connor	Johnson	Pacione-Zayas	Mr. President
Cunningham	Jones, E.	Peters	
Feigenholtz	Koehler	Simmons	
Fine	Landek	Sims	

The following voted in the negative:

Anderson	Fowler	Rezin	Turner, S.
Bailey	McClure	Rose	Wilcox
Barickman	McConchie	Stoller	
Bryant	Plummer	Tracy	

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

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

At the hour of 6:36 o'clock p.m., Senator Muñoz, presiding.

CONSIDERATION OF SENATE BILLS ON CONSIDERATION POSTPONED

On motion of Senator Holmes, **Senate Bill No. 3737**, having been read by title a third time on February 24, 2022, and pending roll call further consideration postponed, was taken up again on third reading.

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

YEAS 34; NAYS 10.

The following voted in the affirmative:

Belt	Feigenholtz	Landek	Sims
Bennett	Fine	Lightford	Stadelman
Bush	Glowiak Hilton	Loughran Cappel	Tracy
Castro	Hastings	Martwick	Turner, S.
Collins	Holmes	McConchie	Van Pelt
Connor	Johnson	Morrison	Villivalam
Crowe	Jones, E.	Muñoz	Mr. President
Cunningham	Joyce	Murphy	

Curran	Koehler	Rezin	

The following voted in the negative:

Anderson	Bryant	Plummer	Wilcox
Bailey	Fowler	Rose	
Barickman	McClure	Stoller	

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

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Martwick, **Senate Bill No. 62** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Holmes, **Senate Bill No. 705** was recalled from the order of third reading to the order of second reading.

Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 705

AMENDMENT NO. 1 . Amend Senate Bill 705 by replacing everything after the enacting clause with the following:

"Section 5. The Animal Welfare Act is amended by changing Section 2 as follows:
(225 ILCS 605/2) (from Ch. 8, par. 302)

(Text of Section before amendment by P.A. 102-586)

Sec. 2. Definitions. As used in this Act unless the context otherwise requires:

"Department" means the Illinois Department of Agriculture.

"Director" means the Director of the Illinois Department of Agriculture.

"Pet shop operator" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a pet shop operator under this Act.

"Dog dealer" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs in this State. However, a person who sells only dogs that he has produced and raised shall not be considered a dog dealer under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a dog dealer under this Act.

"Secretary of Agriculture" or "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

"Person" means any person, firm, corporation, partnership, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

"Kennel operator" means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation.

"Boarding" means a time frame greater than 12 hours or an overnight period during which an animal is kept by a kennel operator.

"Cat breeder" means a person who sells, offers to sell, exchanges, or offers for adoption with or without charge cats that he or she has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a cat breeder.

"Dog breeder" means a person who sells, offers to sell, exchanges, or offers for adoption with or without charge dogs that he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a dog breeder.

"Animal control facility" means any facility operated by or under contract for the State, county, or any municipal corporation or political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals. "Animal control facility" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

"Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. An organization that does not have its own building that maintains animals solely in foster homes or other licensees is an "animal shelter" for purposes of this Act. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

"Day care operator" means a person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are kept for a period of time not exceeding 12 hours.

"Foster home" means an entity that accepts the responsibility for stewardship of animals that are the obligation of an animal shelter or animal control facility, not to exceed 4 foster animals or 2 litters under 8 weeks of age at any given time. A written agreement to operate as a "foster home" shall be contracted with the animal shelter or animal control facility.

"Guard dog service" means an entity that, for a fee, furnishes or leases guard or sentry dogs for the protection of life or property. A person is not a guard dog service solely because he or she owns a dog and uses it to guard his or her home, business, or farmland.

"Guard dog" means a type of dog used primarily for the purpose of defending, patrolling, or protecting property or life at a commercial establishment other than a farm. "Guard dog" does not include

stock dogs used primarily for handling and controlling livestock or farm animals, nor does it include personally owned pets that also provide security.

"Return" in return to field or trap, neuter, return program means to return the cat to field after it has been sterilized and vaccinated for rabies.

"Sentry dog" means a dog trained to work without supervision in a fenced facility other than a farm, and to deter or detain unauthorized persons found within the facility.

"Probationary status" means the 12-month period following a series of violations of this Act during which any further violation shall result in an automatic 12-month suspension of licensure.

"Owner" means any person having a right of property in an animal, who keeps or harbors an animal, who has an animal in his or her care or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return program.

(Source: P.A. 100-842, eff. 1-1-19; 100-870, eff. 1-1-19; 101-81, eff. 7-12-19; 101-295, eff. 8-9-19.)

(Text of Section after amendment by P.A. 102-586)

Sec. 2. Definitions. As used in this Act unless the context otherwise requires:

"Department" means the Illinois Department of Agriculture.

"Director" means the Director of the Illinois Department of Agriculture.

"Pet shop operator" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State at retail to the public. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a pet shop operator under this Act.

"Dog dealer" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs in this State. However, a person who sells dogs at retail to the public or who sells only dogs that he has produced and raised shall not be considered a dog dealer under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a dog dealer under this Act.

"Secretary of Agriculture" or "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

"Person" means any person, firm, corporation, partnership, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

"Kennel operator" means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation.

"Boarding" means a time frame greater than 12 hours or an overnight period during which an animal is kept by a kennel operator.

"Cat breeder" means a person who sells, offers to sell, exchanges, or offers for adoption with or without charge cats that he or she has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a cat breeder.

"Dog breeder" means a person who sells, offers to sell, exchanges, or offers for adoption with or without charge dogs that he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a dog breeder.

"Animal control facility" means any facility operated by or under contract for the State, county, or any municipal corporation or political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals. "Animal control facility" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

"Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization having tax-exempt status under Section 501(c)(3) of the Internal Revenue Code for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. An organization that does not have its own building that maintains animals solely in foster homes or other licensees is an "animal shelter" for purposes of this Act. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians

licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

"Day care operator" means a person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are kept for a period of time not exceeding 12 hours. However, facilities where dogs or cats are held for the sole purpose of grooming or facilities where dogs or cats are held for less than 12 hours for training purposes shall not be considered day care operators under this Act.

"Foster home" means an entity that accepts the responsibility for stewardship of animals that are the obligation of an animal shelter or animal control facility, not to exceed 4 foster animals or 2 litters under 8 weeks of age at any given time. A written agreement to operate as a "foster home" shall be contracted with the animal shelter or animal control facility.

"Guard dog service" means an entity that, for a fee, furnishes or leases guard or sentry dogs for the protection of life or property. A person is not a guard dog service solely because he or she owns a dog and uses it to guard his or her home, business, or farmland.

"Guard dog" means a type of dog used primarily for the purpose of defending, patrolling, or protecting property or life at a commercial establishment other than a farm. "Guard dog" does not include stock dogs used primarily for handling and controlling livestock or farm animals, nor does it include personally owned pets that also provide security.

"Return" in return to field or trap, neuter, return program means to return the cat to field after it has been sterilized and vaccinated for rabies.

"Sentry dog" means a dog trained to work without supervision in a fenced facility other than a farm, and to deter or detain unauthorized persons found within the facility.

"Probationary status" means the 12-month period following a series of violations of this Act during which any further violation shall result in an automatic 12-month suspension of licensure.

"Owner" means any person having a right of property in an animal, who keeps or harbors an animal, who has an animal in his or her care or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return program.

"Offer for sale" means to sell, exchange for consideration, offer for adoption, advertise for the sale of, barter, auction, give away, or otherwise dispose of animals.

(Source: P.A. 101-81, eff. 7-12-19; 101-295, eff. 8-9-19; 102-586, eff. 2-23-22.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Holmes, **Senate Bill No. 705** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 45; NAYS 8.

The following voted in the affirmative:

Aquino	Fine	Loughran Cappel	Tracy
Bailey	Gillespie	Martwick	Turner, D.
Belt	Glowiak Hilton	McClure	Turner, S.

Bennett	Harris	Morrison	Van Pelt
Bush	Hastings	Muñoz	Villa
Castro	Holmes	Murphy	Villanueva
Collins	Hunter	Pacione-Zayas	Villivalam
Connor	Johnson	Peters	Wilcox
Crowe	Jones, E.	Rezin	Mr. President
Cunningham	Koehler	Simmons	
Curran	Landek	Sims	
Feigenholtz	Lightford	Stadelman	

The following voted in the negative:

Anderson	Fowler	Rose
Barickman	McConchie	Stoller
Bryant	Plummer	

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

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

SENATE BILL RECALLED

On motion of Senator Morrison, **Senate Bill No. 829** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 829

AMENDMENT NO. 1 . Amend Senate Bill 829 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 19-3, 19-4, 19-5, 24A-10, 24A-10.1, 24A-14, 24B-10, 24B-10.1, and 24B-14 and by adding Section 19-2.6 as follows:

(10 ILCS 5/19-2.6 new)

Sec. 19-2.6. Vote by mail; voters with a print disability.

(a) Definitions. As used in this Section, unless the context otherwise requires:

"Assistive technology" means any equipment, software, or product used to increase, maintain, or improve the functional capabilities of individuals with disabilities, including, but not limited to, screen reading and magnification software, refreshable Braille displays, and speech recognition programs.

"Certified remote accessible vote by mail system" means a process approved by the State Board of Elections through which an election authority provides for the electronic transmission of a vote by mail ballot to a voter with a print disability and through which the voter with a print disability marks and verifies the voter's ballot using assistive technology.

"Electronic transmission" means the transfer of data or information through an authorized electronic data interchange system.

"Voter with a print disability" means a person having a temporary or permanent physical or mental impairment, such as blindness, low vision, physical dexterity limitations, or learning or cognitive disabilities, that prevents the person from effective reading, writing, or use of printed material.

(b) The State Board of Elections shall provide a certified remote accessible vote by mail system for the General Election of November 8, 2022 and all subsequent elections, through which a vote by mail ballot can be delivered by electronic transmission to voters with print disabilities and through which voters with print disabilities are able to mark and verify their ballots using assistive technology.

(c) Election authorities shall permit voters with a print disability to receive and mark their vote by mail ballots (i) through the certified remote accessible vote by mail system provided by the State Board of

Elections pursuant to subsection (b) of this Section or (ii) through a certified remote accessible vote by mail system provided by the election authority.

(d) If a vote by mail ballot application from a voter with a print disability arrives after the jurisdiction begins transmitting vote by mail ballots and instructions to voters, the election authority shall electronically transmit the ballot, instructions, and balloting materials to the voter within two business days after receipt of the application.

(e) Ballots received and marked pursuant to this Section must be printed by the voter and returned to the election authority as provided in Section 19-6.

(f) The State Board of Elections shall adopt rules, including emergency rules, necessary for the implementation of this Section. The State Board of Elections' adopted rules shall include certification standards for a remote accessible vote by mail system and a method subject to the provisions in Sections 19-2 and 19-3 of this Article by which a voter with a print disability may request to use a certified remote accessible vote by mail system and apply for an accessible vote by mail ballot.

(10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

Sec. 19-3. Application for a vote by mail ballot.

(a) The application for a vote by mail ballot for a single election shall be substantially in the following form:

APPLICATION FOR VOTE BY MAIL BALLOT

To be voted at the .... election in the County of .... and State of Illinois, in the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the City of ....

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois; that I have lived at such address for .... month(s) last past; that I am lawfully entitled to vote in such precinct at the .... election to be held therein on ....; and that I wish to vote by vote by mail ballot.

I hereby make application for an official ballot or ballots to be voted by me at such election, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election or, if returned by mail, postmarked no later than election day, for counting no later than during the period for counting provisional ballots, the last day of which is the 14th day following election day.

I understand that this application is made for an official vote by mail ballot or ballots to be voted by me at the election specified in this application and that I must submit a separate application for an official vote by mail ballot or ballots to be voted by me at any subsequent election.

Under penalties as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

....

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

.....

(a-5) The application for a single vote by mail ballot transmitted electronically pursuant to Section 19-2.6 shall be substantively similar to the application for a vote by mail ballot for a single election and shall include:

I swear or affirm that I am a voter with a print disability, and, as a result of this disability, I am making a request to receive a vote by mail ballot electronically so that I may privately and independently mark, verify, and print my vote by mail ballot.

(b) The application for permanent vote by mail status shall be substantially in the following form:

APPLICATION FOR PERMANENT VOTE BY MAIL STATUS

I am currently a registered voter and wish to apply for permanent vote by mail status.

I state that I am a resident of the City of .... residing at .... in such city in the county of .... and State of Illinois; that I have lived at such address for .... month(s) last past; that I am lawfully entitled to vote in such precinct at the .... election to be held therein on ....; and that I wish to vote by vote by mail ballot in:

..... all subsequent elections that do not require a party designation.

..... all subsequent elections, and I wish to receive a ..... Party vote by mail ballot in elections that require a party designation.

I hereby make application for an official ballot or ballots to be voted by me at such election, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election or, if returned by mail, postmarked no later than election day, for counting no later

than during the period for counting provisional ballots, the last day of which is the 14th day following election day.

Under penalties as provided by law under Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

....

Post office address to which ballot is mailed:

.....

(b-5) The application for permanent vote by mail ballots transmitted electronically pursuant to Section 19-2.6 shall be substantively similar to the application for permanent vote by mail status and shall include:

I swear or affirm that I am a voter with a non-temporary print disability, and as a result of this disability, I am making a request to receive vote by mail ballots electronically so that I may privately and independently mark, verify, and print my vote by mail ballots.

(c) However, if application is made for a primary election ballot, such application shall require the applicant to designate the name of the political party with which the applicant is affiliated. The election authority shall allow any voter on permanent vote by mail status to change his or her party affiliation for a primary election ballot by a method and deadline published and selected by the election authority.

(d) If application is made electronically, the applicant shall mark the box associated with the above described statement included as part of the online application certifying that the statements set forth in the application under subsection (a) or (b) are true and correct, and a signature is not required.

(e) Any person may produce, reproduce, distribute, or return to an election authority an application under this Section. If applications are sent to a post office box controlled by any individual or organization that is not an election authority, those applications shall (i) include a valid and current phone number for the individual or organization controlling the post office box and (ii) be turned over to the appropriate election authority within 7 days of receipt or, if received within 2 weeks of the election in which an applicant intends to vote, within 2 days of receipt. Failure to turn over the applications in compliance with this paragraph shall constitute a violation of this Code and shall be punishable as a petty offense with a fine of $100 per application. Removing, tampering with, or otherwise knowingly making the postmark on the application unreadable by the election authority shall establish a rebuttable presumption of a violation of this paragraph. Upon receipt, the appropriate election authority shall accept and promptly process any application under this Section submitted in a form substantially similar to that required by this Section, including any substantially similar production or reproduction generated by the applicant.

(f) An election authority may combine the applications in subsections (a) and (b) onto one form, but the distinction between the applications must be clear and the form must provide check boxes for an applicant to indicate whether he or she is applying for a single election vote by mail ballot or for permanent vote by mail status.

(Source: P.A. 102-15, eff. 6-17-21.)

(10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

Sec. 19-4. Mailing or delivery of ballots; time. Immediately upon the receipt of such application either by mail or electronic means, not more than 90 days nor less than 5 days prior to such election, or by personal delivery not more than 90 days nor less than one day prior to such election, at the office of such election authority, it shall be the duty of such election authority to examine the records to ascertain whether or not such applicant is lawfully entitled to vote as requested, including a verification of the applicant's signature by comparison with the signature on the official registration record card, and if found so to be entitled to vote, to post within one business day thereafter the name, street address, ward and precinct number or township and district number, as the case may be, of such applicant given on a list, the pages of which are to be numbered consecutively to be kept by such election authority for such purpose in a conspicuous, open and public place accessible to the public at the entrance of the office of such election authority, and in such a manner that such list may be viewed without necessity of requesting permission therefor. Within one day after posting the name and other information of an applicant for a vote by mail ballot, the election authority shall transmit by electronic means pursuant to a process established by the State Board of Elections that name and other posted information to the State Board of Elections, which shall maintain those names and other information in an electronic format on its website, arranged by county and accessible to State and local political committees. Within 2 business days after posting a name and other information on the list within its office, but no sooner than 40 days before an election, the election authority shall mail, postage prepaid, or deliver in person in such office, or deliver via electronic transmission pursuant to Section 19-2.6, an official ballot or ballots if more than one are to be voted at said election. Mail

delivery of Temporarily Absent Student ballot applications pursuant to Section 19-12.3 shall be by nonforwardable mail. However, for the consolidated election, vote by mail ballots for certain precincts may be delivered to applicants not less than 25 days before the election if so much time is required to have prepared and printed the ballots containing the names of persons nominated for offices at the consolidated primary. The election authority shall enclose with each vote by mail ballot or application written instructions on how voting assistance shall be provided pursuant to Section 17-14 and a document, written and approved by the State Board of Elections, informing the vote by mail voter of the required postage for returning the application and ballot, and enumerating the circumstances under which a person is authorized to vote by vote by mail ballot pursuant to this Article; such document shall also include a statement informing the applicant that if he or she falsifies or is solicited by another to falsify his or her eligibility to cast a vote by mail ballot, such applicant or other is subject to penalties pursuant to Section 29-10 and Section 29-20 of the Election Code. Each election authority shall maintain a list of the name, street address, ward and precinct, or township and district number, as the case may be, of all applicants who have returned vote by mail ballots to such authority, and the name of such vote by mail voter shall be added to such list within one business day from receipt of such ballot. If the vote by mail ballot envelope indicates that the voter was assisted in casting the ballot, the name of the person so assisting shall be included on the list. The list, the pages of which are to be numbered consecutively, shall be kept by each election authority in a conspicuous, open, and public place accessible to the public at the entrance of the office of the election authority and in a manner that the list may be viewed without necessity of requesting permission for viewing.

Each election authority shall maintain a list for each election of the voters to whom it has issued vote by mail ballots. The list shall be maintained for each precinct within the jurisdiction of the election authority. Prior to the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters in that precinct to whom vote by mail ballots have been issued by mail.

Each election authority shall maintain a list for each election of voters to whom it has issued temporarily absent student ballots. The list shall be maintained for each election jurisdiction within which such voters temporarily abide. Immediately after the close of the period during which application may be made by mail or electronic means for vote by mail ballots, each election authority shall mail to each other election authority within the State a certified list of all such voters temporarily abiding within the jurisdiction of the other election authority.

In the event that the return address of an application for ballot by a physically incapacitated elector is that of a facility licensed or certified under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, within the jurisdiction of the election authority, and the applicant is a registered voter in the precinct in which such facility is located, the ballots shall be prepared and transmitted to a responsible judge of election no later than 9 a.m. on the Friday, Saturday, Sunday, or Monday immediately preceding the election as designated by the election authority under Section 19-12.2. Such judge shall deliver in person on the designated day the ballot to the applicant on the premises of the facility from which application was made. The election authority shall by mail notify the applicant in such facility that the ballot will be delivered by a judge of election on the designated day.

All applications for vote by mail ballots shall be available at the office of the election authority for public inspection upon request from the time of receipt thereof by the election authority until 30 days after the election, except during the time such applications are kept in the office of the election authority pursuant to Section 19-7, and except during the time such applications are in the possession of the judges of election.

Notwithstanding any provision of this Section to the contrary, pursuant to subsection (a) of Section 30 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act, neither the name nor the address of a program participant under that Act shall be included in any list of registered voters available to the public, including the lists referenced in this Section.

(Source: P.A. 102-292, eff. 1-1-22.)

(10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

Sec. 19-5. Folding and enclosure of ballots in unsealed envelope; address on envelope; certification; instructions for marking and returning ballots. It shall be the duty of the election authority to fold the ballot or ballots in the manner specified by the statute for folding ballots prior to their deposit in the ballot box, and to enclose such ballot or ballots in an envelope unsealed to be furnished by him, which envelope shall bear upon the face thereof the name, official title and post office address of the election authority, and upon the other side a printed certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; and that I am lawfully entitled to vote in such precinct at the .... election to be held on .....

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....

If the ballot is to go to an elector who is physically incapacitated and needs assistance marking the ballot, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; that I am lawfully entitled to vote in such precinct at the .... election to be held on ....; that I am physically incapable of personally marking the ballot for such election.

*fill in either (1), (2) or (3).

I further state that I marked the enclosed ballot in secret with the assistance of

.....

(Individual rendering assistance)

.....

(Residence Address)

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....

In the case of a voter with a physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an agent of that employer, or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

In the case of a physically incapacitated voter, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an agent of that employer, or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

Provided, that if the ballot enclosed is to be voted at a primary election, the certification shall designate the name of the political party with which the voter is affiliated.

In addition to the above, the election authority shall provide printed slips, or an electronic version thereof for voters voting by mail pursuant to Section 19-2.6, giving full instructions regarding the manner of marking and returning the ballot in order that the same may be counted, and shall furnish one of such printed slips or the electronic version thereof for voters voting by mail pursuant to Section 19-2.6 to each of such applicants at the same time the ballot is delivered to him. Such instructions shall include the following statement: "In signing the certification on the vote by mail ballot envelope, you are attesting that you personally marked this vote by mail ballot in secret. If you are physically unable to mark the ballot, a friend or relative may assist you after completing the enclosed affidavit. Federal and State laws prohibit a candidate whose name appears on the ballot (unless you are the spouse or a parent, child, brother, or sister of the candidate), your employer, your employer's agent or an officer or agent of your union from assisting voters with physical disabilities."

In addition to the above, if a ballot to be provided to an elector pursuant to this Section contains a public question described in subsection (b) of Section 28-6 and the territory concerning which the question is to be submitted is not described on the ballot due to the space limitations of such ballot, the election authority shall provide a printed copy of a notice of the public question, which shall include a description of the territory in the manner required by Section 16-7. The notice shall be furnished to the elector at the same time the ballot is delivered to the elector.

Election authorities transmitting ballots by electronic transmission pursuant to Section 19-2.6 shall, to the greatest extent possible, provide those applicants with the same instructions, certifications, and other balloting materials required when sending ballots by mail.

(Source: P.A. 98-1171, eff. 6-1-15; 99-143, eff. 7-27-15.)

(10 ILCS 5/24A-10) (from Ch. 46, par. 24A-10)

Sec. 24A-10. (1) In an election jurisdiction which has adopted an electronic voting system, the election official in charge of the election shall select one of the 3 following procedures for receiving, counting, tallying, and return of the ballots:

(a) Two ballot boxes shall be provided for each polling place. The first ballot box is for the depositing of votes cast on the electronic voting system; and the second ballot box is for all votes cast on paper ballots, including any paper ballots required to be voted other than on the electronic voting system. Ballots deposited in the second ballot box shall be counted, tallied, and returned as is elsewhere provided in this Code for the counting and handling of paper ballots. Immediately after the closing of the polls, the judges of election shall make out a slip indicating the number of persons who voted in the precinct at the election. Such slip shall be signed by all the judges of election and shall be inserted by them in the first ballot box. The judges of election shall thereupon immediately lock each ballot box; provided, that if such box is not of a type which may be securely locked, such box shall be sealed with filament tape provided for such purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and in such manner that the seal completely covers the slot in the ballot box, and each of the judges shall sign such seal. Thereupon two of the judges of election, of different political parties, shall forthwith and by the most direct route transport both ballot boxes to the counting location designated by the county clerk or board of election commissioners.

Before the ballots of a precinct are fed to the electronic tabulating equipment, the first ballot box shall be opened at the central counting station by the two precinct transport judges. Upon opening a ballot box, such team shall first count the number of ballots in the box. If 2 or more are folded together so as to appear to have been cast by the same person, all of the ballots so folded together shall be marked and returned with the other ballots in the same condition, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots are found to exceed the number of persons voting in the precinct as shown by the slip signed by the judges of election, the ballots shall be replaced in the box, and the box closed and well shaken and again opened and one of the precinct transport judges shall publicly draw out so many ballots unopened as are equal to such excess.

Such excess ballots shall be marked "Excess-Not Counted" and signed by the two precinct transport judges and shall be placed in the "After 7:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots.

The precinct transport judges shall then examine the remaining ballots for write-in votes and shall count and tabulate the write-in vote; or

(b) A single ballot box, for the deposit of all votes cast, shall be used. All ballots which are not to be tabulated on the electronic voting system shall be counted, tallied, and returned as elsewhere provided in this Code for the counting and handling of paper ballots.

All ballots to be processed and tabulated with the electronic voting system shall be processed as follows:

Immediately after the closing of the polls, the precinct judges of election then shall open the ballot box and canvass the votes polled to determine that the number of ballots therein agree with the number of voters voting as shown by the applications for ballot or if the same do not agree the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code. The judges of election shall then examine all ballot cards and ballot card envelopes which are in the ballot box to determine whether the ballot cards and ballot card envelopes bear the initials of a precinct judge of election. If any ballot card or ballot card envelope is not initialed, it shall be marked on the back "Defective," initialed as to such label by all judges immediately under such word "Defective," and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope."

When an electronic voting system is used which utilizes a ballot card, before separating the ballot cards from their respective covering envelopes, the judges of election shall examine the ballot card envelopes for write-in votes. When the voter has voted a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot card to determine whether such write-in results in an overvote for any office. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall make a true duplicate ballot of all votes on such ballot card except for the office which is overvoted, by using the ballot label booklet of the precinct and one of the marking devices of the precinct so as to transfer all votes of the voter except for the office

overvoted, to an official ballot card of that kind used in the precinct at that election. The original ballot card and envelope upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Overvoted Ballot" ballot cards and shall place them in the box for return of the ballots. The "Overvoted Ballot" ballots and their envelopes shall be placed in the "Duplicate Ballots" envelope. Envelopes bearing write-in votes marked in the place designated therefor and bearing the initials of a precinct judge of election and not resulting in an overvote and otherwise complying with the election laws as to marking shall be counted, tallied, and their votes recorded on a tally sheet provided by the election official in charge of the election. The ballot cards and ballot card envelopes shall be separated and all except any defective or overvoted shall be placed separately in the box for return of the ballots. The judges of election shall examine the ballots and ballot cards to determine if any is damaged, ~~or~~ defective, or ~~so that it~~ cannot otherwise be counted by the automatic tabulating equipment. If any ballot or ballot card is damaged, ~~or~~ defective, or ~~so that it~~ cannot otherwise properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall make a true duplicate ballot of all votes on such ballot card by using the ballot label booklet of the precinct and one of the marking devices of the precinct. The original ballot or ballot card and envelope shall be clearly labeled "Damaged Ballot" and the ballot or ballot card so produced "Duplicate Damaged Ballot," and each shall bear the same number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot or ballot cards, and shall place them in the box for return of the ballots. The "Damaged Ballot" ballots or ballot cards and their envelopes shall be placed in the "Duplicated Ballots" envelope. A slip indicating the number of voters voting in person shall be made out, signed by all judges of election, and inserted in the box for return of the ballots. The tally sheets recording the write-in votes shall be placed in this box. The judges of election thereupon immediately shall securely lock the ballot box or other suitable box furnished for return of the ballots by the election official in charge of the election; provided that if such box is not of a type which may be securely locked, such box shall be sealed with filament tape provided for such purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box so as to cover any slot therein and to identify the box of the precinct; and if such box is sealed with filament tape as provided herein rather than locked, such tape shall be wrapped around the box as provided herein, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Thereupon, 2 of the judges of election, of different major political parties, forthwith shall by the most direct route transport the box for return of the ballots and enclosed ballots and returns to the central counting location designated by the election official in charge of the election. If, however, because of the lack of adequate parking facilities at the central counting location or for any other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at such other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the two major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from such other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations.

The "Defective Ballots" envelope, and "Duplicated Ballots" envelope each shall be securely sealed and the flap or end thereof of each signed by the precinct judges of election and returned to the central counting location with the box for return of the ballots, enclosed ballots and returns.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall check the box returned containing the ballots to determine that all seals are intact, and thereupon shall open the box, check the voters' slip and compare the number of ballots so delivered against the total number of voters of the precinct who voted, remove the ballots or ballot cards and deliver them to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of

ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges; or

(c) A single ballot box, for the deposit of all votes cast, shall be used. Immediately after the closing of the polls, the precinct judges of election shall securely lock the ballot box; provided that if such box is not of a type which may be securely locked, such box shall be sealed with filament tape provided for such purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box so as to cover any slot therein and to identify the box of the precinct; and if such box is sealed with filament tape as provided herein rather than locked, such tape shall be wrapped around the box as provided herein, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Thereupon, 2 of the judges of election, of different major political parties, shall forthwith by the most direct route transport the box for return of the ballots and enclosed vote by mail and early ballots and returns to the central counting location designated by the election official in charge of the election. If however, because of the lack of adequate parking facilities at the central counting location or for some other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at such other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the two major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from such other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of the election from recommendations by the appropriate political party organizations.

At the central counting location there shall be one or more teams of tally judges who possess the same qualifications as tally judges in election jurisdictions using paper ballots. The number of such teams shall be determined by the election authority. Each team shall consist of 5 tally judges, 3 selected and approved by the county board from a certified list furnished by the chair of the county central committee of the party with the majority of members on the county board and 2 selected and approved by the county board from a certified list furnished by the chair of the county central committee of the party with the second largest number of members on the county board. At the central counting location a team of tally judges shall open the ballot box and canvass the votes polled to determine that the number of ballot sheets therein agree with the number of voters voting as shown by the applications for ballot; and, if the same do not agree, the tally judges shall make such ballots agree with the number of applications for ballot in the manner provided by Section 17-18 of this Code. The tally judges shall then examine all ballot sheets which are in the ballot box to determine whether they bear the initials of the precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to such label by all tally judges immediately under such word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". An overvote for one office shall invalidate only the vote or count of that particular office.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall deliver the ballot sheets to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(2) Regardless of which procedure described in subsection (1) of this Section is used, the judges of election designated to transport the ballots, properly signed and sealed as provided herein, shall ensure that the ballots are delivered to the central counting station no later than 12 hours after the polls close. At the central counting station a team of tally judges designated by the election official in charge of the election shall examine the ballots so transported and shall not accept ballots for tabulating which are not signed and sealed as provided in subsection (1) of this Section until the judges transporting the same make and sign the necessary corrections. Upon acceptance of the ballots by a team of tally judges at the central counting station, the election judges transporting the same shall take a receipt signed by the election official in charge of the election and stamped with the date and time of acceptance. The election judges whose duty it is to transport any ballots shall, in the event such ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 100-1027, eff. 1-1-19; 101-81, eff. 7-12-19.)

(10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

Sec. 24A-10.1. In an election jurisdiction where in-precinct counting equipment is utilized, the following procedures for counting and tallying the ballots shall apply:

Immediately after the closing of the polls, the precinct judges of election shall open the ballot box and count the number of ballots therein to determine if such number agrees with the number of voters voting as shown by the applications for ballot or, if the same do not agree, the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Act. The judges of election shall then examine all ballot cards and ballot card envelopes which are in the ballot box to determine whether the ballot cards and ballot card envelopes contain the initials of a precinct judge of election. If any ballot card or ballot card envelope is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately under the word "Defective" and not counted. The judges of election shall place an initialed blank official ballot card in the place of the defective ballot card, so that the count of the ballot cards to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" card and "Replacement" card shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" card shall be placed in the "Defective Ballot Envelope" provided for that purpose.

When an electronic voting system is used which utilizes a ballot card, before separating the remaining ballot cards from their respective covering envelopes, the judges of election shall examine the ballot card envelopes for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot card to determine whether such write-in results in an overvote for any office. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot card except for the office which is overvoted, by using the ballot label booklet of the precinct and one of the marking devices of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate card. The original ballot card and envelope upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such "Overvoted Ballot" as well as its "Replacement" shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The "Overvoted Ballot" card and ballot envelope shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope, and the judges of election shall initial the "Replacement" ballot cards and shall place them with the other ballot cards to be counted on the automatic tabulating equipment. Envelopes containing write-in votes marked in the place designated therefor and containing the initials of a precinct judge of election and not resulting in an overvote and otherwise complying with the election laws as to marking shall be counted and tallied and their votes recorded on a tally sheet provided by the election authority.

The ballot cards and ballot card envelopes shall be separated in preparation for counting by the automatic tabulating equipment provided for that purpose by the election authority.

Before the ballots are entered into the automatic tabulating equipment, a precinct identification card provided by the election authority shall be entered into the device to ensure that the totals are all zeroes in the count column on the printing unit. A precinct judge of election shall then count the ballots by entering each ballot card into the automatic tabulating equipment, and if any ballot or ballot card is damaged, ~~or~~ defective, or ~~so that it~~ cannot otherwise properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot card by using the ballot label booklet of the precinct and one of the marking devices of the precinct. The original ballot or ballot card and envelope shall be clearly labeled "Damaged Ballot" and the ballot or ballot card so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot or ballot cards and shall enter the duplicate damaged cards into the automatic tabulating equipment. The "Damaged Ballot" cards shall be placed in the "Duplicated Ballots" envelope; after all ballot cards have been successfully read, the judges of election shall check to make certain that the last number printed by the printing unit is the same as the number of voters making application for ballot in that precinct. The number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated. One copy of an "In-Precinct Totals Report" shall be generated by the automatic tabulating equipment for return to the election authority. One

copy of an "In-Precinct Totals Report" shall be generated and posted in a conspicuous place inside the polling place, provided that any authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots is present.

The judges of election shall provide, if requested, a set for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

The judges of election shall count all unused ballot cards and enter the number on the "Statement of Ballots". All "Spoiled", "Defective" and "Duplicated" ballot cards shall be counted and the number entered on the "Statement of Ballots".

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape provided for such purpose which shall be wrapped around the container lengthwise and crosswise, at least twice each way, in such manner that the ballots cannot be removed from such container without breaking the seal and filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by such authority, open for at least 12 consecutive hours after the polls close or until the ballots from all precincts with in-precinct counting equipment within the jurisdiction of the election authority have been returned to the election authority. Ballots returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the same make and sign the necessary corrections. Upon acceptance of the ballots by the election authority, the judges returning the same shall take a receipt signed by the election authority and stamped with the time and date of such return. The election judges whose duty it is to return any ballots as herein provided shall, in the event such ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

(10 ILCS 5/24A-14) (from Ch. 46, par. 24A-14)

Sec. 24A-14. Damaged, defective, or unreadable ballots; duplicates. If any ballot is damaged, ~~or~~ defective, or ~~so that it~~ cannot otherwise properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the ~~damaged~~ ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall ~~be made of a defective ballot which shall~~ not include the invalid votes appearing on the original ballot. All duplicate ballots shall be clearly labeled "duplicate", shall bear a serial number which shall be registered on the damaged, ~~or~~ defective, or otherwise unreadable ballot, and shall be counted in lieu of the damaged, ~~or~~ defective, or otherwise unreadable ballot.

(Source: Laws 1965, p. 2220.)

(10 ILCS 5/24B-10)

Sec. 24B-10. Receiving, counting, tallying and return of ballots; acceptance of ballots by election authority.

(a) In an election jurisdiction which has adopted an electronic Precinct Tabulation Optical Scan Technology voting system, the election official in charge of the election shall select one of the 3 following procedures for receiving, counting, tallying, and return of the ballots:

(1) Two ballot boxes shall be provided for each polling place. The first ballot box is for the depositing of votes cast on the electronic voting system; and the second ballot box is for all votes cast on other ballots, including any paper ballots required to be voted other than on the Precinct Tabulation Optical Scan Technology electronic voting system. Ballots deposited in the second ballot box shall be counted, tallied, and returned as is elsewhere provided in this Code for the counting and handling of paper ballots. Immediately after the closing of the polls, the judges of election shall make out a slip indicating the number of persons who voted in the precinct at the election. The slip shall be signed by all the judges of election and shall be inserted by them in the first ballot box. The judges of election shall thereupon immediately lock each ballot box; provided, that if the box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose that shall be wrapped around the box lengthwise and crosswise, at least twice each way, and in a manner that the seal completely covers the slot in the ballot box, and each of the judges shall sign the seal. Two of the judges of election, of different political parties, shall by the most direct route transport both ballot boxes to the counting location designated by the county clerk or board of election commissioners.

Before the ballots of a precinct are fed to the electronic Precinct Tabulation Optical Scan Technology tabulating equipment, the first ballot box shall be opened at the central counting station by the 2 precinct transport judges. Upon opening a ballot box, the team shall first count the number of ballots in the box. If 2 or more are folded together to appear to have been cast by the same person, all of the ballots folded together shall be marked and returned with the other ballots in the same condition, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots are found to exceed the number of persons voting in the precinct as shown by the slip signed by the judges of election, the ballots shall be replaced in the box, and the box closed and well shaken and again opened and one of the precinct transport judges shall publicly draw out so many ballots unopened as are equal to the excess.

The excess ballots shall be marked "Excess-Not Counted" and signed by the 2 precinct transport judges and shall be placed in the "After 7:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots.

The precinct transport judges shall then examine the remaining ballots for write-in votes and shall count and tabulate the write-in vote.

(2) A single ballot box, for the deposit of all votes cast, shall be used. All ballots which are not to be tabulated on the electronic voting system shall be counted, tallied, and returned as elsewhere provided in this Code for the counting and handling of paper ballots.

All ballots to be processed and tabulated with the electronic Precinct Tabulation Optical Scan Technology voting system shall be processed as follows:

Immediately after the closing of the polls, the precinct judges of election shall open the ballot box and canvass the votes polled to determine that the number of ballots agree with the number of voters voting as shown by the applications for ballot, or if the same do not agree the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code.

In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on the ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct to transfer all votes of the voter except for the office overvoted, to an official ballot of that kind used in the precinct at that election. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Overvoted Ballot" ballots and shall place them in the box for return of the ballots. The "Overvoted Ballot" ballots shall be placed in the "Duplicate Ballots" envelope. The ballots except any defective or overvoted ballot shall be placed separately in the box for return of the ballots. The judges of election shall examine the ballots to determine if any is damaged, ~~or~~ defective, or ~~so that it~~ cannot otherwise be counted by the automatic tabulating equipment. If any ballot is damaged, ~~or~~ defective, or ~~so that it~~ cannot otherwise properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct. The original ballot and ballot envelope shall be clearly labeled "Damaged Ballot" and the ballot so produced "Duplicate Damaged Ballot", and each shall bear the same number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall place them in the box for return of the ballots. The "Damaged Ballot" ballots shall be placed in the "Duplicated Ballots" envelope. A slip indicating the number of voters voting in person and the total number of voters of the precinct who voted at the election shall be made out, signed by all judges of election, and inserted in the box for return of the ballots. The tally sheets recording the write-in votes shall be placed in this box. The judges of election immediately shall securely lock the ballot box or other suitable box furnished for return of the ballots by the election official in charge of the election; provided that if the box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label

signed by each of the judges of election of the precinct shall be affixed to the box to cover any slot therein and to identify the box of the precinct; and if the box is sealed with filament tape as provided rather than locked, such tape shall be wrapped around the box as provided, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Two of the judges of election, of different major political parties, shall by the most direct route transport the box for return of the ballots and enclosed ballots and returns to the central counting location designated by the election official in charge of the election. If, however, because of the lack of adequate parking facilities at the central counting location or for any other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at the other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from the other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of elections from recommendations by the appropriate political party organizations.

The "Defective Ballots" envelope, and "Duplicated Ballots" envelope each shall be securely sealed and the flap or end of each envelope signed by the precinct judges of election and returned to the central counting location with the box for return of the ballots, enclosed ballots and returns.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall check the box returned containing the ballots to determine that all seals are intact, and shall open the box, check the voters' slip and compare the number of ballots so delivered against the total number of voters of the precinct who voted, remove the ballots and deliver them to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(3) A single ballot box, for the deposit of all votes cast, shall be used. Immediately after the closing of the polls, the precinct judges of election shall securely lock the ballot box; provided that if such box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box to cover any slot therein and to identify the box of the precinct; and if the box is sealed with filament tape as provided rather than locked, such tape shall be wrapped around the box as provided, but in a manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Two of the judges of election, of different major political parties, shall by the most direct route transport the box for return of the ballots and enclosed vote by mail and early ballots and returns to the central counting location designated by the election official in charge of the election. If however, because of the lack of adequate parking facilities at the central counting location or for some other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at the other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from the other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of the election from recommendations by the appropriate political party organizations.

At the central counting location there shall be one or more teams of tally judges who possess the same qualifications as tally judges in election jurisdictions using paper ballots. The number of the teams shall be determined by the election authority. Each team shall consist of 5 tally judges, 3 selected and approved by the county board from a certified list furnished by the chair of the county central committee of the party with the majority of members on the county board and 2 selected and

approved by the county board from a certified list furnished by the chair of the county central committee of the party with the second largest number of members on the county board. At the central counting location a team of tally judges shall open the ballot box and canvass the votes polled to determine that the number of ballot sheets therein agree with the number of voters voting as shown by the applications for ballot and, if the same do not agree, the tally judges shall make such ballots agree with the number of applications for ballot in the manner provided by Section 17-18 of this Code. The tally judges shall then examine all ballot sheets that are in the ballot box to determine whether they bear the initials of the precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to that label by all tally judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". An overvote for one office shall invalidate only the vote or count for that particular office.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall deliver the ballot sheets to the technicians operating the automatic Precinct Tabulation Optical Scan Technology tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(b) Regardless of which procedure described in subsection (a) of this Section is used, the judges of election designated to transport the ballots properly signed and sealed, shall ensure that the ballots are delivered to the central counting station no later than 12 hours after the polls close. At the central counting station, a team of tally judges designated by the election official in charge of the election shall examine the ballots so transported and shall not accept ballots for tabulating which are not signed and sealed as provided in subsection (a) of this Section until the judges transporting the ballots make and sign the necessary corrections. Upon acceptance of the ballots by a team of tally judges at the central counting station, the election judges transporting the ballots shall take a receipt signed by the election official in charge of the election and stamped with the date and time of acceptance. The election judges whose duty it is to transport any ballots shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 100-1027, eff. 1-1-19.)

(10 ILCS 5/24B-10.1)

Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures for Counting and Tallying Ballots. In an election jurisdiction where Precinct Tabulation Optical Scan Technology counting equipment is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, and before the ballots are entered into the automatic tabulating equipment, the judges of election shall be sure that the totals are all zeros in the counting column. Ballots may then be counted by entering or scanning each ballot into the automatic tabulating equipment. Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or proposition on the automatic tabulating equipment. Such automatic tabulating equipment shall be programmed so that no person may reset the equipment for refeeding of ballots unless provided a code from an authorized representative of the election authority. At the option of the election authority, the ballots may be fed into the Precinct Tabulation Optical Scan Technology equipment by the voters under the direct supervision of the judges of elections.

Immediately after the closing of the polls, the precinct judges of election shall open the ballot box and count the number of ballots to determine if the number agrees with the number of voters voting as shown on the Precinct Tabulation Optical Scan Technology equipment and by the applications for ballot or, if the same do not agree, the judges of election shall make the ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code. The judges of election shall then examine all ballots which are in the ballot box to determine whether the ballots contain the initials of a precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately under the word "Defective" and not counted. The judges of election shall place an initialed blank official ballot in the place of the defective ballot, so that the count of the ballots to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" and "Replacement" ballot shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" ballot shall be placed in the "Defective Ballot Envelope" provided for that purpose.

If the judges of election have removed a ballot pursuant to Section 17-18, have labeled "Defective" a ballot which is not initialed, or have otherwise determined under this Code to not count a ballot originally

deposited into a ballot box, the judges of election shall be sure that the totals on the automatic tabulating equipment are reset to all zeros in the counting column. Thereafter the judges of election shall enter or otherwise scan each ballot to be counted in the automatic tabulating equipment. Resetting the automatic tabulating equipment to all zeros and re-entering of ballots to be counted may occur at the precinct polling place, the office of the election authority, or any receiving station designated by the election authority. The election authority shall designate the place for resetting and re-entering or re-scanning.

When a Precinct Tabulation Optical Scan Technology electronic voting system is used which uses a paper ballot, the judges of election shall examine the ballot for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot to determine whether the write-in results in an overvote for any office, unless the Precinct Tabulation Optical Scan Technology equipment has already done so. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate ballot. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such "Overvoted Ballot" as well as its "Replacement" shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The "Overvoted Ballot" shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope, and the judges of election shall initial the "Replacement" ballots and shall place them with the other ballots to be counted on the automatic tabulating equipment.

If any ballot is damaged, ~~or~~ defective, or if any ballot otherwise contains a Voting Defect, so that it cannot properly be counted by the automatic tabulating equipment, the voter or the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices of the precinct, or equivalent. If a damaged ballot, the original ballot shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall enter or otherwise scan the duplicate damaged ballot into the automatic tabulating equipment. The "Damaged Ballots" shall be placed in the "Duplicated Ballots" envelope; after all ballots have been successfully read, the judges of election shall check to make certain that the Precinct Tabulation Optical Scan Technology equipment readout agrees with the number of voters making application for ballot in that precinct. The number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated. One copy of an "In-Precinct Totals Report" shall be generated by the automatic tabulating equipment for return to the election authority. One copy of an "In-Precinct Totals Report" shall be generated and posted in a conspicuous place inside the polling place, provided that any authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots is present. The judges of election shall provide, if requested, a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

The judges of election shall count all unused ballots and enter the number on the "Statement of Ballots". All "Spoiled", "Defective" and "Duplicated" ballots shall be counted and the number entered on the "Statement of Ballots".

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose which shall be wrapped around the container lengthwise and crosswise, at least twice each way, in a manner that the ballots cannot be removed from the container without breaking the seal and filament tape and disturbing any signatures affixed by the election judges to the container, or which other approved sealing devices are affixed in a manner approved by the election authority. The election authority shall keep the office of the election authority or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or

until the ballots from all precincts with in-precinct counting equipment within the jurisdiction of the election authority have been returned to the election authority. Ballots returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots as provided shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. The precinct judges of election shall also deliver the Precinct Tabulation Optical Scan Technology equipment to the election authority.
(Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

(10 ILCS 5/24B-14)

Sec. 24B-14. Damaged, defective, or unreadable ballots; duplicates ~~Ballots; Duplicates~~.
If any ballot is damaged, ~~or~~ defective, or ~~so that it~~ cannot otherwise properly be counted by the automatic Precinct Tabulation Optical Scan Technology tabulating equipment, a true duplicate copy shall be made of the ~~damaged~~ ballot in the presence of witnesses and substituted for the original ~~damaged~~ ballot. Likewise, a duplicate ballot shall ~~be made of a defective ballot which shall~~ not include the invalid votes appearing on the original ballot. All duplicate ballots shall be clearly labeled "Duplicate", shall bear a serial number which shall be registered on the damaged, ~~or~~ defective, or otherwise unreadable ballot, and shall be counted in lieu of the damaged, ~~or~~ defective, or otherwise unreadable ballot.
(Source: P.A. 89-394, eff. 1-1-97.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Morrison, **Senate Bill No. 829** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Holmes, **Senate Bill No. 1016** was recalled from the order of third reading to the order of second reading.

Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1016

AMENDMENT NO. 1 . Amend Senate Bill 1016 by replacing everything after the enacting clause with the following:

"Section 5. The Water Commission Act of 1985 is amended by changing Section 0.001 as follows:

(70 ILCS 3720/0.001)

Sec. 0.001. Commissioners; terms; vacancies. ~~Effective January 1, 2011, the terms of office of the chairperson and all commissioners of water commissions appointed pursuant to this Act shall terminate and the commission shall be reconstituted.~~

(a) The commissioners of water commissions appointed pursuant to this Act shall be appointed as follows:

(1) A chairperson, who shall also serve in the capacity of a commissioner, shall be appointed by the chairperson of the county board of the home county with the advice and consent of the county board. For appointments made on or after the effective date of this amendatory Act of the 102nd General Assembly, the chairperson shall be a resident of the home county.

(2) One commissioner from each county board district within the home county shall be appointed by the chairperson of the county board of the home county with the advice and consent of the county board.

(3) One commissioner from each county board district within the home county shall be appointed by the majority vote of the mayors of those included municipalities that have the greatest percentage of their respective populations residing within such county board district of the home county. A vice-chairperson of the commission shall be appointed from the commissioners appointed pursuant to this paragraph by a majority vote of these commissioners.

(4) Upon receipt of water by any territorial municipality, one commissioner from a territorial municipality shall be appointed by the chairperson of the county board of the home county with the advice and consent of the county board.

(5) Upon receipt of water by a territorial municipality, one commissioner from a territorial municipality shall be appointed by the majority vote of the mayors of those territorial municipalities.

(b) All commissioners shall be residents of the home county or a resident of an included municipality. However, commissioners appointed under paragraph (4) or (5) of subsection (a) on or after the effective date of this amendatory Act of the 102nd General Assembly shall be residents of a territorial municipality.

(c) The ~~initial~~ commissioners appointed pursuant to subsection (a) shall serve the following terms:

(1) The chairperson shall serve for a term of 6 years.

(2) At the first meeting of the commission held after January 1, 2011, the commissioners appointed pursuant to paragraph (2) of subsection (a) shall determine publicly by lot one-third of their members to serve for a term of 2 years, one-third of their members to serve for a term of 4 years, and one-third of their members to serve for a term of 6 years, any odd number of commissioners so determined by dividing into thirds to serve 6-year terms.

(3) At the first meeting of the commission held after January 1, 2011, the commissioners and the vice-chairperson appointed pursuant to paragraph (3) of subsection (a) shall determine publicly by lot one-third of their members to serve for a term of 2 years, one-third of their members to serve for a term of 4 years, and one-third of their members to serve for a term of 6 years, any odd number of commissioners so determined by dividing into thirds to serve 6-year terms.

(4) The commissioner appointed pursuant to paragraph (4) of subsection (a) shall serve an initial term of 3 years.

(5) The commissioner appointed pursuant to paragraph (5) of subsection (a) shall serve an initial term of 6 years.

The successor commissioners shall serve for a term of 6 years or until their successors have been appointed and qualified in the same manner as the original appointments.

(d) A commissioner shall be eligible for reappointment upon the expiration of his or her term. A vacancy in the office of a commissioner shall be filled for the balance of the unexpired term by appointment and with the qualifications as to residency in the same manner as the original appointment was made.

(e) A commissioner may be a member of the governing board, an officer, or an employee of the county or any unit of local government located within the county.

(f) As used in this Section, "territorial municipality" means a municipality entirely outside of the home county, but within the territorial limits and receiving water from the water commission.

(Source: P.A. 96-1389, eff. 7-29-10.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Holmes, **Senate Bill No. 1016** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Hastings, **Senate Bill No. 1015** was recalled from the order of third reading to the order of second reading.

Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1015

AMENDMENT NO. 1 . Amend Senate Bill 1015 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 25-11 as follows:

(10 ILCS 5/25-11) (from Ch. 46, par. 25-11)

Sec. 25-11. Except as otherwise provided in this paragraph, when ~~When~~ a vacancy occurs in any elective county office, or in a county of less than 3,000,000 population in the office of clerk of the circuit court, in a county which is not a home rule unit, the county board or board of county commissioners shall declare that such vacancy exists and notification thereof shall be given to the county central committee or the appropriate county board or board of county commissioners district committee of each established political party within 3 days of the occurrence of the vacancy. The vacancy shall be filled within 60 days by appointment of the chair of the county board or board of county commissioners with the advice and consent of the county board or board of county commissioners. In counties other than Champaign County operating under the county executive form of government under Division 2-5 of the Counties Code, when a vacancy occurs in an elected county office or in the office of an elected member of the county board, the county executive shall declare that such vacancy exists and then notification of the vacancy shall be given to the county central committee or the appropriate county board district committee of each established political party within 3 days of the occurrence of the vacancy; and the vacancy shall be filled within 60 days by appointment of the county executive with the advice and consent of the county board. In Champaign County while operating under the county executive form of government under Division 2-5 of the Counties Code, when a vacancy occurs in an elected county office or in the office of an elected member of the county board, the elected county board speaker or county board chair, as the case may be, shall declare that such vacancy exists and then notification shall be given to the county central committee or the appropriate county board district committee of each established political party within 3 days of the occurrence of the vacancy; and the vacancy shall be filled within 60 days by appointment of the elected county board speaker or county board chair, as the case may be, with the advice and consent of the county board. In counties in which forest preserve district commissioners are elected by districts and are not also members of the county board, however, vacancies in the office of forest preserve district commissioner shall be filled within 60 days by appointment of the president of the forest preserve district board of commissioners with the advice and consent of the forest preserve district board of commissioners. In counties in which the forest preserve district president is not also a member of the county board, vacancies in the office of forest preserve district president shall be filled within 60 days by the forest preserve district board of commissioners by appointing one of the commissioners to serve as president. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve. The appointee shall serve the remainder of the unexpired term. However, if more than 28 months remain in the term, the appointment shall be until the next general election at which time the vacated office shall be filled by election for the remainder of the term. In the case of a vacancy in a seat on a county board or board of county commissioners which has been divided into districts under Section 2-3003 or 2-4006.5 of the Counties Code, the appointee must also be a resident of the county board or county commission district. If a county commissioner ceases to reside in the district that he or she represents, a vacancy in that office exists.

Except as otherwise provided by county ordinance or by law, in any county which is a home rule unit, vacancies in elective county offices, other than the office of chief executive officer, and vacancies in the office of clerk of the circuit court in a county of less than 3,000,000 population, shall be filled by the county board or board of county commissioners.

(Source: P.A. 100-1027, eff. 1-1-19.)

Section 10. The Counties Code is amended by changing Sections 2-5003, 2-5007, 2-5009, 2-5010, 2-5014, and 2-5015 and by adding Sections 2-5017, 2-5018, 2-5019, 2-5020, 2-5021, and 2-5022 as follows:

(55 ILCS 5/2-5003) (from Ch. 34, par. 2-5003)

Sec. 2-5003. Definitions. As used in this Division, unless the context requires otherwise:

~~(a)~~ "County board" or "board" means the legislative governing body of any county other than Cook County which has adopted the county executive form of government under this Division.

"County board speaker" or "speaker" means the county board member elected by the county board to serve as the lead representative for the county board, and may be referred to as the "county board speaker", "speaker", "county board chair", or "chair".

~~(b)~~ "County executive" means the county official elected by the voters of any county other than Cook County to be the chief executive officer to administer the county executive form of government under this Division.

~~(c)~~ "County executive form of government" means that form of government in which the departments of county government are administered by a single county official called the county executive elected at large by the qualified voters of the county. The board shall act as the legislative body of the county under this form of county government.

(Source: P.A. 86-926.)

(55 ILCS 5/2-5007) (from Ch. 34, par. 2-5007)

Sec. 2-5007. Term of county executive. The county executive shall serve a term of 4 years, commencing on the first Monday in the month following the month of the election in which the county executive was elected ~~his election~~ and until a ~~his~~ successor is elected and qualified.

(Source: P.A. 86-962.)

(55 ILCS 5/2-5009) (from Ch. 34, par. 2-5009)

Sec. 2-5009. Duties and powers of county executive. Any county executive elected under this Division shall:

(a) see that all of the orders, resolutions and regulations of the board are faithfully executed;

(b) coordinate and direct by executive order or otherwise all administrative and management functions of the county government except the offices of elected county officers;

(b-5) control the internal operations of the county executive's office and procure the necessary equipment, materials, and services to perform the duties of that office;

(c) prepare and submit to the board for its approval the annual budget for the county required by Division 6-1 of this Code;

(d) appoint, with the advice and consent of the board, persons to serve on the various boards and commissions to which appointments are provided by law to be made by the board;

(d-5) make appointments to fill vacancies occurring in the office of an elected county officer and in the office of an elected member of the county board in accordance with Section 25-11 of the Election Code in counties, other than Champaign County, operating under the county executive form of government under this Division;

(e) appoint, with the advice and consent of the board, persons to serve on various special districts within the county except where appointment to serve on such districts is otherwise provided by law;

(e-5) except as otherwise provided by law, remove or suspend, in the county executive's discretion and after notice and hearing, anyone whom the county executive has the power to appoint under subsection (d) or (e);

(f) make an annual report to the board on the affairs of the county, on such date and at such time as the board shall designate, and keep the board fully advised as to the financial condition of the county and its future financial needs;

(f-5) ~~for a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly,~~ appoint, with the advice and consent of the board, all department heads for any county departments;

(g) hire ~~appoint, with the advice and consent of the board,~~ such subordinate deputies, employees and appointees for the general administration of county affairs as considered necessary, except those deputies, employees and appointees in the office of an elected county official or county board member ~~officer; however, the advice and consent requirement set forth in this paragraph shall not apply to persons employed as a member of the immediate personal staff of a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly~~;

(h) except as otherwise provided by law, remove or suspend, in the discretion of the county executive, department heads for a county department and ~~in his discretion, after due notice and hearing,~~ anyone whom the county executive ~~he~~ has the power to hire under subsection (g); ~~appoint;~~

(i) require reports and examine accounts, records and operations of all county administrative units;

(j) supervise the care and custody of all county property including institutions and agencies;

(k) approve or veto ordinances or resolutions pursuant to Section 2-5010;

(l) preside over board meetings; however, the county executive is not entitled to vote except to break a tie vote;

(l-5) for a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly, if the County Executive is temporarily not available to preside over a board meeting, the County Executive shall designate a board member to preside over the board meeting;

(m) call a special meeting of the county board, by a written executive order signed by the county executive ~~him~~ and upon 24 hours notice by delivery of a copy of such order to the residence of each board member;

(n) with the advice and consent of the county board, enter into intergovernmental agreements with other governmental units;

(o) with the advice and consent of the county board, negotiate on behalf of the county with governmental units and the private sector for the purpose of promoting economic growth and development;

(p) at the ~~his~~ discretion of the county executive, appoint a person to serve as legal counsel at an annual salary ~~established by the county board at an amount~~ no greater than the annual salary of the state's attorney of the county;

(q) perform such other duties as shall be required of the county executive ~~him~~ by the board.

(Source: P.A. 96-1540, eff. 3-7-11.)

(55 ILCS 5/2-5010) (from Ch. 34, par. 2-5010)

Sec. 2-5010. Approval of ordinances. Any ordinance passed, adopted or otherwise enacted by the board shall before it becomes effective be presented to the county executive. If the county executive approves such ordinance, resolution or motion, the county executive ~~he~~ shall sign it; if not, the county executive ~~he~~ shall return it to the board with the ~~his~~ objections, which shall be entered and spread upon the journal, and the board shall proceed to reconsider the matter. If after such reconsideration 3/5 of the members of the board pass such ordinance, it shall become effective on the date prescribed but not earlier than the date of passage following reconsideration. In all such cases the votes of the members of the board shall be determined by yeas ~~ayes~~ and nays and the names of the members voting for or against such ordinance objected to by the county executive shall be entered and spread upon the journal. If any ordinance is not returned by the county executive to the board at its first meeting occurring not less than 6 days, Sundays excepted, after it has been presented to the county executive ~~him~~, it shall become effective unless the board has recessed or adjourned for a period in excess of 60 days, in which case it shall not become effective without the approval of the county executive ~~his approval~~. Items of appropriation may be approved or vetoed by the county executive. Any item approved by the county executive and all items not vetoed shall become law, and any item vetoed shall be returned to and reconsidered by the board in the same manner as provided in this Section for other ordinances returned to the board without approval.

(Source: P.A. 86-962.)

(55 ILCS 5/2-5014) (from Ch. 34, par. 2-5014)

Sec. 2-5014. Certified statements by county clerk. At least 20 days prior to any referendum under Section 2-5005 or Section 2-5013, the county clerk shall file with the Secretary of State a certified statement indicating when such a referendum will be held. Within 30 days after any such referendum the county clerk shall file with the Secretary of State a certified statement showing the results of the referendum and the resulting status of the county as a home rule county or a non-home rule county. The Secretary of State shall maintain such certified statements in the ~~his~~ office of the Secretary of State as a public record.

(Source: P.A. 86-962.)

(55 ILCS 5/2-5015) (from Ch. 34, par. 2-5015)

Sec. 2-5015. County board chair; superseding ~~Superseding~~ plan for election of county board chairman.

(a) Notwithstanding any provision of law to the contrary, in a county that has adopted the county executive form of government under this Division, the county board chairman, county board chairperson, or county board chair shall only have those powers and duties set forth in this Division. Any powers and duties vested in a county board chairman, county board chairperson, or county board chair in any Illinois statute, other than this Division, Section 11 of the Public Health District Act, and Section 25-11 of the Election Code, shall instead be vested in the county executive in those counties that have adopted the county executive form of government.

(b) The adoption of the county executive form of government by any county pursuant to this Division shall supersede any plan adopted by the county board of that county pursuant to Section 2-3007, as now or hereafter amended, for the election of the chairman of the county board by the voters of the county.
(Source: P.A. 86-962.)

(55 ILCS 5/2-5017 new)

Sec. 2-5017. Regular meetings of the county board. Regular and special meetings of the county board may be held in any public building located within the county that such county board is elected to serve. Prior notice of the building selected for the meeting shall be provided by the board speaker to each member of the county board in the manner provided pursuant to the rules of the county board. Regular meetings of the board shall be held in June and September, and at such other times as may be determined by the board.

At each regular and special meeting which is open to the public, members of the public and employees of the county shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the board.

(55 ILCS 5/2-5018 new)

Sec. 2-5018. Special meetings. Special meetings of the board shall be held only when requested by at least one-third of the members of the board, or when requested by the county executive, which request shall be in writing, addressed to the clerk of the board, and specifying the time and place of such meeting, upon reception of which the clerk shall immediately transmit notice, in writing, of such meeting, to each of the members of the board. The clerk shall also cause notice of such meeting to be published in a newspaper printed in the county, if any. If a vacancy arises in the office of clerk, because of death or other reason, then the request shall be addressed to the circuit clerk who shall perform the duties of the clerk pursuant to this Section.

(55 ILCS 5/2-5019 new)

Sec. 2-5019. Speaker of the county board. The county board shall, at its first meeting in the month following the month in which county board members are elected, choose one of its members as speaker for a term of 2 years.

A speaker may be removed, with or without cause, upon a motion adopted by an affirmative vote of four-fifths of the county board. Upon adoption of a motion to remove the speaker: (i) the speaker position becomes vacant and the former speaker's compensation shall be prorated to the date the motion was approved; and (ii) a new speaker shall be elected at the next regularly scheduled county board meeting. A speaker removed under this Section maintains his or her status as a member of the county board.

(55 ILCS 5/2-5020 new)

Sec. 2-5020. Quorum; omnibus votes. A majority of the members of any county board shall constitute a quorum for the transaction of business; and all questions, ordinances, resolutions, or motions which shall arise at meetings shall be determined by the votes of the majority of the members present, except in such cases as is otherwise provided.

The county board at any properly noticed public meeting may by unanimous consent take a single vote by yeas and nays on the several questions of the passage of any 2 or more of the designated ordinances, orders, resolutions, or motions placed together for voting purposes in a single group. The single vote shall be entered separately in the minutes under the designation "omnibus vote", and the clerk may enter the words "omnibus vote" or "consent agenda" in the minutes in each case instead of entering the names of the members of the county board voting "yea" and those voting "nay" on the passage of each of the designated ordinances, orders, resolutions, and motions included in the omnibus group or consent agenda. The taking of a single or omnibus vote and the entries of the words "omnibus vote" or "consent agenda" in the minutes shall be a sufficient compliance with the requirements of this Section to all intents and purposes and with like effect as if the vote in each case had been taken separately by yeas and nays on the question of the passage of each ordinance, order, resolution, and motion included in the omnibus group and separately recorded in the minutes. Likewise, the yeas and nays shall be taken upon the question of the passage of any other ordinance, resolution, or motion at the request of any county board member and shall be recorded in the minutes.

(55 ILCS 5/2-5021 new)

Sec. 2-5021. Open meetings. County board meetings are open to the public, and all persons may attend the meetings. The vote on all propositions to appropriate money from the county treasury shall be taken by "yeas" and "nays" and entered on the record of the meeting.

(55 ILCS 5/2-5022 new)

Sec. 2-5022. Administering oaths. The county executive, or designee, may administer an oath to any person concerning any matter submitted to the board, or connected with its powers and duties, and a member of the board may administer the oath required by law to a claimant presenting a claim against the county to be passed by the board. A member so administering an oath to a claimant may not charge a fee for administering the oath.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hastings, **Senate Bill No. 1015** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 37; NAYS 14.

The following voted in the affirmative:

Aquino	Gillespie	Landek	Sims
Belt	Glowiak Hilton	Lightford	Stadelman
Bush	Harris	Loughran Cappel	Turner, D.
Castro	Hastings	Martwick	Van Pelt
Collins	Holmes	Morrison	Villanueva
Connor	Hunter	Muñoz	Villivalam
Cunningham	Johnson	Murphy	Mr. President
Curran	Jones, E.	Pacione-Zayas	
Feigenholtz	Joyce	Peters	
Fine	Koehler	Simmons	

The following voted in the negative:

Anderson	Bryant	Plummer	Turner, S.
Bailey	Fowler	Rose	Wilcox
Barickman	McClure	Stoller	
Bennett	McConchie	Tracy	

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

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

SENATE BILL RECALLED

On motion of Senator Collins, **Senate Bill No. 1099** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1099

AMENDMENT NO. 1 . Amend Senate Bill 1099 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Consumer Legal Funding Act.

Section 5. Definitions.

"Advertise" means publishing or disseminating any written, electronic, or printed communication, or any communication by means of recorded telephone messages or transmitted on radio, television, the Internet, or similar communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed before the public, directly or indirectly, for the purpose of inducing a consumer to enter into a consumer legal funding.

"Charges" means the fees, as set forth in Section 25, to be paid to the consumer legal funding company by or on behalf of the consumer above the funded amount provided by or on behalf of the company to an Illinois consumer pursuant to this Act.

"Consumer legal funding" or "funding" means a nonrecourse transaction in an amount that does not exceed $500,000 in which a company purchases and a consumer transfers to the company an unvested, contingent future interest in the potential net proceeds of a settlement or judgment obtained from the consumer's legal claim; if no proceeds are obtained from the consumer's legal claim, the consumer is not required to repay the company the consumer legal funding amount or charges.

"Consumer legal funding company" or "company" means a person or entity that enters into a consumer legal funding transaction with an Illinois consumer. "Consumer legal funding company" does not include:

(1) an immediate family member of the consumer;

(2) a bank, lender, financing entity, or other special purpose entity:

(A) that provides financing to a consumer legal funding company; or

(B) to which a consumer legal funding company grants a security interest or transfers any rights or interest in a consumer legal funding; or

(3) an attorney or accountant who provides services to a consumer.

"Consumer" means a natural person who has a pending legal claim and who resides or is domiciled in Illinois.

"Director" means the Director of Financial Institutions.

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

"Funded amount" means the amount of moneys provided to, or on behalf of, the consumer in the consumer legal funding. "Funded amount" does not include charges.

"Funding date" means the date on which the funded amount is transferred to the consumer by the consumer legal funding company either by personal delivery; via wire, ACH, or other electronic means; or mailed by insured, certified, or registered United States mail.

"Immediate family member" means a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent; or grandchild.

"Legal claim" means a bona fide civil claim or cause of action.

"Resolution amount" means the funded amount plus the agreed-upon charges that are delivered to the consumer legal funding company on the resolution date.

"Resolution date" means the date the resolution amount is delivered to the consumer legal funding company.

Section 10. Contract requirements; right of rescission.

(a) All consumer legal fundings shall meet the following requirements:

(1) the contract shall be completely filled in when presented to the consumer for signature;

(2) the contract shall contain, in bold and boxed type, a right of rescission, allowing the consumer to cancel the contract without penalty or further obligation if, within 14 business days after the funding date, the consumer either:

(A) returns to the consumer legal funding company the full amount of the disbursed funds by delivering the company's uncashed check to the company's office in person; or

(B) mails, by insured, certified, or registered United States mail, to the address specified in the contract, a notice of cancellation and includes in the mailing a return of the full amount of disbursed funds in the form of the company's uncashed check or a registered or certified check or money order; and

(3) the contract shall contain the initials of the consumer on each page.

(b) The contract shall contain a written acknowledgment by the attorney retained by the consumer in the legal claim that attests to the following:

(1) to the best of the attorney's knowledge, all the costs and charges relating to the consumer legal funding have been disclosed to the consumer;

(2) the attorney is being paid on a contingency basis pursuant to a written fee agreement;

(3) all proceeds of the legal claim will be disbursed via either the trust account of the attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer;

(4) the attorney is following the written instructions of the consumer with regard to the consumer legal funding; and

(5) the attorney has not received a referral fee or other consideration from the consumer legal funding company in connection with the consumer legal funding, nor will the attorney receive such fee or other consideration in the future.

(c) If the acknowledgment required in subsection (b) is not completed by the attorney retained by the consumer in the legal claim, the contract shall be null and void. The contract remains valid and enforceable if the consumer terminates the initial attorney or retains a new attorney with respect to the legal claim.

Section 15. Consumer legal funding company prohibitions. A consumer legal funding company shall not:

(1) pay or offer to pay commissions, referral fees, or other forms of consideration to any attorney, law firm, medical provider, chiropractic physician, or physical therapist or any of their employees for referring a consumer to the company;

(2) accept any commissions, referral fees, rebates, or other forms of consideration from an attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees;

(3) intentionally advertise materially false or misleading information regarding its products or services;

(4) refer, in furtherance of an initial consumer legal funding, a customer or potential customer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees; however, if a customer needs legal representation, the company may refer the customer to a local or State bar association referral service;

(5) fail to supply a copy of the executed contract to the attorney for the consumer;

(6) knowingly provide funding to a consumer who has previously assigned or sold a portion of the consumer's right to proceeds from his or her legal claim without first making payment to or purchasing a prior unsatisfied consumer legal funding company's entire funded amount and contracted charges, unless a lesser amount is otherwise agreed to in writing by the consumer legal funding companies, except that multiple companies may agree to contemporaneously provide funding to a consumer if the consumer and the consumer's attorney consent to the arrangement in writing;

(7) receive any right to nor make any decisions with respect to the conduct of the underlying legal claim or any settlement or resolution of the legal claim; the right to make such decisions shall remain solely with the consumer and the attorney in the legal claim; or

(8) knowingly pay or offer to pay for court costs, filing fees, or attorney's fees either during or after the resolution of the legal claim using funds from the consumer legal funding transaction.

Section 20. Satisfaction of the contract. A consumer legal funding company shall require the resolution amount to be set as a predetermined amount, based upon intervals of time from the date of origination of the funding through the date of resolution of the legal claim, and not be determined as a percentage of the recovery from the legal claim.

Section 25. Fees.

(a) The fee charged by a consumer legal funding company to the consumer shall be calculated as not more than 18% of the funded amount, assessed on the outset of every 6 months.

(b) In addition, a consumer legal funding company may charge a document preparation fee not to exceed $75, which may be deducted from the funded amount. This fee is to be used to defray the ordinary cost of opening, administering, and terminating a consumer legal funding.

(c) A consumer legal funding company shall not collect any additional fees unless otherwise specified in this Act.

(d) No fees shall extend past 42 months after the funding date.

Section 30. Disclosures. All consumer legal funding contracts shall contain the disclosures specified in this Section, which shall constitute material terms of the contract. Unless otherwise specified, the disclosures shall be typed in at least 12-point bold-type font and be placed clearly and conspicuously within the contract as follows:

(1) On the front page under appropriate headings, language specifying:

(A) the funded amount to be paid to the consumer by the consumer legal funding company;

(B) an itemization of one-time charges;

(C) the total amount to be paid by the consumer to the company, including the funded amount and all charges; and

(D) a payment schedule to include the resolution amount, listing dates, and the amount due at the end of each 6-month period from the funding date, until the date the maximum amount due to the company by the consumer to satisfy the amount due pursuant to the contract.

(2) Pursuant to the provisions set forth in paragraph (2) of subsection (a) of Section 10, within the body of the contract: "Consumer's Right to Cancellation: You may cancel this contract without penalty or further obligation within 14 business days after the funding date if you either:

(A) return to the consumer legal funding company the full amount of the disbursed funds by delivering the company's uncashed check to the company's office in person; or

(B) mail by insured, certified, or registered United States mail, to the company at the address specified in the contract, a notice of cancellation and include in such mailing a return of the full amount of disbursed funds in the form of the company's uncashed check or a registered or certified check or money order."

(3) Within the body of the contract: "The consumer legal funding company shall have no role in deciding whether, when, and how much the legal claim is settled for, however, the consumer and consumer's attorney must notify the company of the outcome of the legal claim by settlement or adjudication before the resolution date. The company may seek updated information about the status of the legal claim but in no event shall the company interfere with the independent professional judgment of the attorney in the handling of the legal claim or any settlement thereof."

(4) Within the body of the contract, in all capital letters in at least 12-point bold-type font contained within a box: "THE FUNDED AMOUNT AND AGREED-UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM, AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE [INSERT NAME OF THE CONSUMER LEGAL FUNDING COMPANY] ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM, UNLESS YOU OR YOUR ATTORNEY HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR YOU HAVE COMMITTED FRAUD AGAINST THE CONSUMER LEGAL FUNDING COMPANY."

(5) Located immediately above the place on the contract where the consumer's signature is required, in 12-point font: "Do not sign this contract before you read it completely or if it contains any blank spaces. You are entitled to a completely filled-in copy of the contract. Before you sign this contract, you should obtain the advice of an attorney. Depending on the circumstances, you may want to consult a tax, public or private benefits planning, or financial professional. You acknowledge that your attorney in the legal claim has provided no tax, public or private benefit planning, or financial advice regarding this transaction."

(6) The consumer legal funding company shall provide the consumer with information on accessing a financial coaching program no later than the funding date.

Section 35. Violations.

(a) Nothing in this Act shall be construed to restrict the exercise of powers or the performance of the duties of the Illinois Attorney General that he or she is authorized to exercise or perform by law.

(b) If a court of competent jurisdiction determines that a consumer legal funding company has intentionally violated the provisions of this Act with regard to a specific consumer legal funding, the consumer legal funding company shall only be entitled to recover the funded amount provided to the consumer in that specific consumer legal funding and shall not be entitled to any additional charges.

Section 40. Assignability; liens.

(a) The contingent right to receive an amount of the potential proceeds of a legal claim is assignable by a consumer.

(b) Only liens related to the legal claim, including attorney's liens, Medicare, or other statutory liens, shall take priority over any lien of the consumer legal funding company. All other liens shall take priority by normal operation of law.

(c) A consumer legal funding transaction does not constitute an assignment of a personal injury claim or chose in action.

(d) A consumer legal funding transaction does not constitute the assignment of any present right; the transaction constitutes the transfer of an unvested, contingent future interest in an amount of the potential proceeds of a legal claim or cause of action.

Section 45. Attorney prohibitions. An attorney or law firm retained by the consumer in the legal claim shall not have a financial interest in the consumer legal funding company offering consumer legal funding to that consumer. Additionally, any attorney who has referred the consumer to his or her retained attorney shall not have a financial interest in the consumer legal funding company offering consumer legal funding to that consumer.

Section 50. Effect of communication on privileges. No communication between the consumer's attorney in the legal claim and the consumer legal funding company as it pertains to the consumer legal funding shall limit, waive, or abrogate the scope or nature of any statutory or common law privilege, including the work product doctrine and the attorney-client privilege.

Section 55. Application; fees; positive net worth; new funding application.

(a) An application for a consumer legal funding license shall be in writing and in the form prescribed by the Director. An applicant at the time of making such application shall pay to the Director the sum of $300 as an application fee and the additional sum of $450 as an annual license fee, for a period terminating on the last day of the current calendar year; if the application is filed after June 30 in any year, the license fee shall be one-half of the annual license fee for such year.

(b) Before the consumer legal funding license is granted, an applicant shall prove in a form satisfactory to the Director that the applicant has and will maintain a positive net worth of a minimum of $30,000. Every applicant and licensee shall maintain a surety bond in the principal sum of $25,000 issued by a bonding company authorized to do business in this State and that shall be approved by the Director. The surety bond shall run to the Director and shall be for the benefit of any consumer who incurs damages as a result of any violation of this Act or rules adopted pursuant to this Act by a licensee. If the Director finds at any time that a bond is of insufficient size, is insecure, is exhausted, or is otherwise doubtful, an additional bond in such amount as determined by the Director shall be filed by the licensee within 30 days after written demand therefor by the Director. As used in this subsection, "net worth" means total assets minus total liabilities.

(c) A company may not engage in the business of consumer legal funding in this State until it has received a consumer legal funding license from the Division pursuant to this Act, except any company that has a license in good standing under the Consumer Installment Loan Act as of the effective date of this Act shall be entitled to engage in consumer legal fundings under the terms of this Act so long as that company files an application for a consumer legal funding license within 60 days after the Division issuing forms for the filing of such an application until the Division fully rules on the application and either approves or denies the application for a funding license.

Section 60. Appointment of attorney-in-fact for service of process. Every consumer legal funding licensee shall appoint, in writing, the Director and his or her successors in office or any official who shall be charged with the administration of this Act as attorney-in-fact upon whom all lawful process against the licensee may be served with the same legal force and validity as if served on such licensee. A copy of such written appointment, duly certified, shall be filed in the office of the Director, and a copy of the written appointment certified by him or her shall be sufficient evidence. This appointment shall remain in effect while any liability remains outstanding in this State against the licensee. When summons is served upon the Director as attorney-in-fact for such licensee, the Director shall immediately notify the licensee by registered mail, enclosing the summons and specifying the hour and day of service.

Section 65. Investigation to determine whether to issue a consumer legal funding license. Upon the filing of an application and the payment of the fee, the Director shall investigate to determine:

(1) that the reputation of the applicant, including the reputation of the managers of a limited liability company, partners, owners, officers, or directors of the applicant, is such as to warrant belief that the business will be operated honestly and fairly within the purposes of this Act; and

(2) that the applicant meets the positive net worth requirement set forth in Section 55.

Unless the Director finds that the applicant meets these requirements, he or she shall not issue a consumer legal funding license and shall notify the applicant of the denial and return to the applicant the sum paid by the applicant as a license fee, but shall retain the $300 application fee. The Director shall approve or deny every application for a license within 60 days from the filing of the application with the fee.

Section 70. License. The license shall state the address, including city and State, at which the business is to be conducted and shall state fully the name of the licensee. The license shall be conspicuously posted in the place of business of the licensee and shall not be transferable or assignable.

Section 75. More than one license to same licensee; changing place of business.

(a) Not more than one place of business shall be maintained under the same license, but the Director may issue more than one license to the same licensee upon compliance with all the provisions of this Act governing an original issuance of a license.

(b) Whenever a licensee changes his or her place of business to a location other than that set forth in his or her license, he or she shall give written notice of the change of place of business to the Director at least 10 days before the relocation. However, if the new location is in excess of 15 miles from the previous location, the licensee shall obtain written approval from the Director before the relocation.

Section 80. Annual license fee; expenses; license expiration and reinstatement.

(a) Before December 1 of each year, a licensee shall pay to the Director and the Division must receive the annual license fee required under Section 55 for the next succeeding calendar year. The license shall expire on January 1 of the following year unless the license fee has been paid before that date.

(b) In addition to the annual license fee, the reasonable expense of any examination, investigation, or custody by the Director under any provision of this Act shall be borne by the licensee.

(c) If a licensee fails to renew his or her license by December 31, it shall automatically expire and the licensee is not entitled to a hearing; however, the Director, in his or her discretion, may reinstate an expired license upon payment of the annual renewal fee and proof of good cause for failure to renew.

Section 85. Fines; suspension or revocation of license.

(a) The Director may, after 10 days' notice by registered mail to the licensee at the address set forth in the license stating the contemplated action and in general the grounds therefor, fine such licensee an amount not exceeding $10,000 per violation or revoke or suspend any license issued under this Act if he or she finds that:

(1) the licensee has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation, or direction of the Director lawfully made pursuant to the authority of this Act; or

(2) any fact or condition exists that, if it had existed at the time of the original application for the license, clearly would have warranted the Director in refusing to issue the license.

(b) The Director may fine, suspend, or revoke only the particular license with respect to which grounds for the fine, revocation, or suspension occur or exist, but if the Director finds that grounds for revocation are of general application to all offices or to more than one office of the licensee, the Director shall fine, suspend, or revoke every license to which such grounds apply.

(c) No revocation, suspension, or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any obligor.

(d) The Director may issue a new license to a licensee whose license has been revoked when facts or conditions that clearly would have warranted the Director in refusing originally to issue the license no longer exist.

(e) In every case in which a license is suspended or revoked or an application for a license or renewal of a license is denied, the Director shall serve the licensee with notice of his or her action, including a

statement of the reasons for his or her actions, either personally or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the United States mail.

(f) An order assessing a fine, an order revoking or suspending a license, or an order denying renewal of a license shall take effect upon service of the order unless the licensee requests a hearing in writing within 10 days after the date of service. If a hearing is requested, the order shall be stayed until a final administrative order is entered.

(g) If the licensee requests a hearing, the Director shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

(h) The hearing shall be held at the time and place designated by the Director. The Director and any administrative law judge designated by him or her shall have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that he or she considers relevant or material to the inquiry.

(i) The costs for the administrative hearing shall be set by rule.

(j) The Division shall have the authority to adopt rules for the administration of this Section.

(k) The Division shall establish by rule and publish a schedule of fines that are reasonably tailored to ensure compliance with the provisions of this Act and which include remedial measures intended to improve licensee compliance. The Division shall also set forth the standards and procedures to be used in imposing any such fines and remedies by rule.

Section 90. Closing of business; surrender of license. At least 10 days before a licensee ceases operations, closes business, or files for bankruptcy:

(1) The licensee shall notify the Division of its action in writing.

(2) With the exception of filing for bankruptcy, the licensee shall surrender its license to the Director for cancellation; the surrender of the license shall not affect the licensee's civil or criminal liability for acts committed before surrender or entitle the licensee to a return of any part of the annual license fee.

(3) The licensee shall notify the Division of the location where the books, accounts, contracts, and records will be maintained and the procedure to ensure prompt return of contracts, titles, and releases to the customers.

(4) The accounts, books, records, and contracts shall be maintained and serviced by the licensee or another licensee under this Act or an entity exempt from licensure under this Act.

(5) The Division shall have the authority to conduct examinations of the books, records, and funding documents at any time after surrender of the license, filing of bankruptcy, or the cessation of operations.

Section 95. Investigation of conduct of business. For the purpose of discovering violations of this Act or securing information lawfully required by it, the Director may at any time investigate the fundings and business and examine the books, accounts, records, and files used therein, of every licensee and of every person, partnership, association, limited liability company, and corporation engaged in the business described in Section 5, whether such person, partnership, association, limited liability company, or corporation shall act or claim to act as principal or agent or within or without the authority of this Act. For such purpose the Director shall have free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of such persons, partnerships, associations, limited liability companies, and corporations. The Director may require the attendance of and examine under oath all persons whose testimony he or she may require relative to such fundings or such business, and in such cases the Director shall have power to administer oaths to all persons called as witnesses, and the Director may conduct such examinations.

The Director shall make an examination of the affairs, business, office, and records of each licensee at least once each year. The Division shall by rule and regulation set the fee to be charged for each examination day, including travel expenses for out-of-state licensed locations. The fee shall reasonably reflect actual costs. The Director shall also have authority to examine the books and records of any business made by a former licensee which is being liquidated, as the Director deems necessary, and may charge the examination fees otherwise required for licensees.

Section 100. Books and records; reports.

(a) Every licensee shall retain and use in his or her business or at another location approved by the Director such records as are required by the Director to enable the Director to determine whether the licensee is complying with the provisions of this Act and the rules adopted pursuant to this Act. Every licensee shall preserve the records of any funding for at least 2 years after making the final entry for such funding. Accounting systems maintained in whole or in part by mechanical or electronic data processing methods that provide information equivalent to that otherwise required and that follow generally accepted accounting principles are acceptable for that purpose if approved by the Director in writing.

(b) Each licensee shall annually, on or before March 1, file a report with the Director giving such relevant information as the Director may reasonably require concerning the business and operations during the preceding calendar year of each licensed place of business conducted by the licensee. The report must be received by the Division on or before March 1. The report shall be made under oath and in a form prescribed by the Director. Whenever a licensee operates 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, a composite report of such group of licensed offices may be filed instead of individual reports. The Director may make and publish annually an analysis and recapitulation of such reports. The Director may fine each licensee $25 for each day beyond March 1 the report is filed.

Section 105. Other businesses.

(a) Upon application by the licensee, the Director may approve the conduct of other businesses not specifically permitted by this Act in the licensee's place of business, unless the Director finds that such conduct will conceal or facilitate evasion or violation of this Act. The Director's approval shall be in writing and shall describe the other businesses which may be conducted in the licensed office.

(b) A licensee may without notice to and approval of the Director, in addition to the business permitted by this Act, conduct the following business:

(1) The business of a sales finance agency as defined in the Sales Finance Agency Act.

(2) The business of soliciting or selling any type of insurance provided that all such insurance transactions are conducted in accordance with and are regulated under the Illinois Insurance Code.

(3) The business of financing premiums for insurance.

(4) Offering and extending credit under a revolving credit plan pursuant to the Illinois Financial Services Development Act.

The Division shall adopt and enforce such reasonable rules and regulations for the conduct of business under this Act in the same office with other businesses as may be necessary to prevent evasions or violations of this Act. The Director may investigate any business conducted in the licensed office to determine whether any evasion or violation of this Act has occurred.

Section 110. Cease and desist.

(a) The Director may issue a cease and desist order to any licensee, or other person doing business without the required license, if in the opinion of the Director, the licensee or other person is violating or is about to violate any provision of this Act or any rule or requirement imposed in writing by the Division as a condition of granting any authorization permitted by this Act.

(b) The Director may issue a cease and desist order before a hearing.

(c) The Director shall serve notice of his or her action, designated as a cease and desist order made pursuant to this Section, including a statement of the reasons for the action, either personally or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the United States mail.

(d) Within 15 days after service of the cease and desist order, the licensee or other person may request, in writing, a hearing.

(e) The Director shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

(f) The Division shall have the authority to prescribe rules for the administration of this Section.

(g) If it is determined that the Director had the authority to issue the cease and desist order, he or she may issue such orders as may be reasonably necessary to correct, eliminate, or remedy such conduct.

(h) The powers vested in the Director by this Section are additional to any and all other powers and remedies vested in the Director by law, and nothing in this Section shall be construed as requiring that the Director must employ the power conferred in this Section instead of or as a condition precedent to the exercise of any other power or remedy vested in the Director.

(i) The cost for the administrative hearing shall be set by rule.

Section 115. Rules and regulations. The Division may adopt and enforce such reasonable rules, regulations, directions, orders, decisions, and findings as the execution and enforcement of the provisions of this Act require, and as are not inconsistent therewith. In addition, the Division may adopt rules in connection with the activities of licensees that are necessary and appropriate for the protection of consumers in this State. All rules, regulations, and directions of a general character shall be sent electronically to all licensees.

Section 120. Judicial review. All final administrative decisions of the Division under this Act, all amendments and modifications of final administrative decisions, and any rules adopted by the Division pursuant to this Act shall be subject to judicial review pursuant to the provisions of the Administrative Review Law.

Section 125. Injunction; civil penalty; costs. If it appears to the Director that a person or any entity has committed or is about to commit a violation of this Act, a rule adopted under this Act, or an order of the Director, the Director may apply to the circuit court for an order enjoining the person or entity from violating or continuing to violate this Act, the rule, or order and for injunctive or other relief that the nature of the case may require and may, in addition, request the court to assess a civil penalty up to $1,000 along with costs and attorney's fees.

Section 130. Severability. If any clause, sentence, provision or part of this Act or its application to any person or circumstance is adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, that judgment shall not impair, affect, or invalidate other provisions or applications of this Act, which shall remain in full force and effect thereafter.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Collins, **Senate Bill No. 1099** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 35; NAYS 15; Present 1.

The following voted in the affirmative:

Aquino	Fine	Landek	Simmons
Belt	Gillespie	Lightford	Sims
Bennett	Harris	Loughran Cappel	Turner, D.
Bush	Hastings	Martwick	Van Pelt
Castro	Holmes	Morrison	Villa
Collins	Hunter	Muñoz	Villanueva
Connor	Johnson	Murphy	Villivalam
Cunningham	Jones, E.	Pacione-Zayas	Mr. President
Feigenholtz	Koehler	Peters	

The following voted in the negative:

Anderson	Curran	Plummer	Tracy

Bailey	Fowler	Rezin	Turner, S.
Barickman	McClure	Rose	Wilcox
Bryant	McConchie	Stoller	

The following voted present:

Glowiak Hilton

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

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

SENATE BILL RECALLED

On motion of Senator Holmes, **Senate Bill No. 1143** was recalled from the order of third reading to the order of second reading.

Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1143

AMENDMENT NO. 1 . Amend Senate Bill 1143 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 225 as follows:

(35 ILCS 5/225)

Sec. 225. Credit for instructional materials and supplies. For taxable years beginning on and after January 1, 2017, a taxpayer shall be allowed a credit in the amount paid by the taxpayer during the taxable year for instructional materials and supplies with respect to classroom based instruction in a qualified school, or the maximum credit amount ~~$250~~, whichever is less, provided that the taxpayer is a teacher, instructor, counselor, principal, or aide in a qualified school for at least 900 hours during a school year.

The credit may not be carried back and may not reduce the taxpayer's liability to less than zero. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The tax credit shall be applied to the earliest year for which there is a tax liability. If there are credits for more than one year that are available to offset a liability, the earlier credit shall be applied first.

For purposes of this Section, the term "materials and supplies" means amounts paid for instructional materials or supplies that are designated for classroom use in any qualified school. For purposes of this Section, the term "qualified school" means a public school or non-public school located in Illinois.

For purposes of this Section, the term "maximum credit amount" means (i) $250 for taxable years beginning prior to January 1, 2023 and (ii) $300 for taxable years beginning on or after January 1, 2023.

This Section is exempt from the provisions of Section 250.

(Source: P.A. 100-22, eff. 7-6-17.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Holmes, **Senate Bill No. 1143** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator McConchie, **Senate Bill No. 1405** was recalled from the order of third reading to the order of second reading.

Senator McConchie offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1405

AMENDMENT NO. 1 . Amend Senate Bill 1405 by replacing everything after the enacting clause with the following:

"Section 5. The Medical Patient Rights Act is amended by changing Section 3.2 as follows:

(410 ILCS 50/3.2) (from Ch. 111 1/2, par. 5403.2)

Sec. 3.2. (a) Every health care facility in this State shall permit visitation by any person or persons designated by a patient who is 18 years of age or older and who is allowed rights of visitation unless (1) the facility does not allow any visitation for a patient or patients, or (2) the facility or the patient's physician determines that visitation would endanger the physical health or safety of a patient or visitor, or would interfere with the operations of the facility. ~~Nothing in this Act shall restrict the ability of a health care facility to regulate the hours of visitation, the number of visitors per patient or the movement of visitors within the facility.~~

(a-5) Notwithstanding subsection (a), during a period for which the Governor has issued a proclamation under Section 7 of the Illinois Emergency Management Agency Act declaring that a disaster exists or in the event of an outbreak or epidemic of a communicable disease in the community in which the health care facility is located, a health care facility shall ensure an opportunity for at least one visitor to visit a resident or patient of the health care facility. A health care facility shall not count a clergyperson toward any limit on the number of visitors permitted to visit a resident or patient at one time and shall permit a clergyperson to visit with a resident or patient in addition to the permitted number of visitors. Visitation shall be subject to the guidelines, conditions, and limitations of the health care facility's visitation policy and any rules or guidelines established by the U.S. Centers for Medicare and Medicaid Services and the Centers for Disease Control and Prevention.

Visitors under this subsection may be required by the health care facility to submit to health screenings necessary to prevent the spread of infectious disease. A health care facility may restrict a visitor who does not pass its health screening requirement. A health care facility may require a visitor to adhere to infection control procedures, including wearing personal protective equipment. A health care facility may deny visitation under this Act if the situation demands it, such as if it is determined visitation would endanger the physical health or safety of a patient, the visitor, or health care workers.

(b) Nothing in this Section shall be construed to further limit or restrict the right of visitation provided by other provisions of law or restrict the ability of a health care facility to regulate hours of visitation, except as set forth in subsection (a-5), the number of visitors per patient, or the movement of visitors within the health care facility.

(c) For the purposes of this Section a "health care facility" does not include a developmental disability facility, a mental health facility or a mental health center.

(Source: P.A. 87-651.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator McConchie, **Senate Bill No. 1405** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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

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

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

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Feigenholtz, **Senate Bill No. 2975** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator D. Turner, **Senate Bill No. 3070** having been printed, was taken up, read by title a second time.
The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3070

AMENDMENT NO. 1 . Amend Senate Bill 3070 on page 2, by replacing lines 3 and 4 with the following:
"employee, or Department of Human Services employee"; and

on page 12, line 14, by deleting "employee or a worker,"; and

on page 13, by deleting lines 15 and 16.

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. 3093** having been printed, was taken up, read by title a second time.
Floor Amendment No. 1 was held in the Committee on Education.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Murphy, **Senate Bill No. 3851** having been printed, was taken up, read by title a second time.
Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Hastings, **Senate Bill No. 3866** having been printed, was taken up, read by title a second time.
Floor Amendment No. 1 was withdrawn by Senator Castro.
Senator Harris offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3866

AMENDMENT NO. 2 . Amend Senate Bill 3866, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Energy Transition Act is amended by changing Section 5-40 as follows:
(20 ILCS 730/5-40)
(Section scheduled to be repealed on September 15, 2045)
Sec. 5-40. Illinois Climate Works Preapprenticeship Program.
(a) Subject to appropriation, the Department shall develop, and through Regional Administrators administer, the Illinois Climate Works Preapprenticeship Program. The goal of the Illinois Climate Works Preapprenticeship Program is to create a network of hubs throughout the State that will recruit, prescreen, and provide preapprenticeship skills training, for which participants may attend free of charge and receive a stipend, to create a qualified, diverse pipeline of workers who are prepared for careers in the construction and building trades and clean energy jobs opportunities therein. Upon completion of the Illinois Climate Works Preapprenticeship Program, the candidates will be connected to and prepared to successfully complete an apprenticeship program.
(b) Each Climate Works Hub that receives funding from the Energy Transition Assistance Fund shall provide an annual report to the Illinois Works Review Panel by April 1 of each calendar year. The annual report shall include the following information:

(1) a description of the Climate Works Hub's recruitment, screening, and training efforts, including a description of training related to construction and building trades opportunities in clean energy jobs;

(2) the number of individuals who apply to, participate in, and complete the Climate Works Hub's program, broken down by race, gender, age, and veteran status;

(3) the number of the individuals referenced in paragraph (2) of this subsection who are initially accepted and placed into apprenticeship programs in the construction and building trades; and

(4) the number of individuals referenced in paragraph (2) of this subsection who remain in apprenticeship programs in the construction and building trades or have become journeymen one calendar year after their placement, as referenced in paragraph (3) of this subsection.

(c) Subject to appropriation, the Department shall provide funding to 3 Climate Works Hubs throughout the State, including one to the Illinois Department of Transportation Region 1, one to the Illinois Department of Transportation Regions 2 and 3, and one to the Illinois Department of Transportation Regions 4 and 5. Climate Works Hubs shall be awarded grants in multi-year increments not to exceed 36 months with the opportunity for grant renewal and modification for subsequent years. The Department shall initially select a community-based provider in each region and shall subsequently select a community-based provider in each region every 3 years.

(d) Each Climate Works Hub that receives funding from the Energy Transition Assistance Fund shall: ~~The Climate Works Hubs shall recruit, prescreen, and provide preapprenticeship training to equity investment eligible persons. This training shall include information related to opportunities and certifications relevant to clean energy jobs in the construction and building trades.~~

(1) recruit, prescreen, and provide preapprenticeship training to equity investment eligible persons;

(2) provide training information related to opportunities and certifications relevant to clean energy jobs in the construction and building trades; and

(3) provide preapprentices with stipends not less than the State minimum wage unless a higher wage is required by a locality where the preapprenticeship training program is sited.

(d-5) Priority shall be given to Climate Works Hubs that have an agreement with North American Building Trades Unions (NABTU) to utilize the Multi-Craft Core Curriculum or successor curriculums.

(e) Funding for the Program is subject to appropriation from the Energy Transition Assistance Fund.

(f) The Department shall adopt any rules deemed necessary to implement this Section.

(Source: P.A. 102-662, eff. 9-15-21.)

Section 10. The Public Utilities Act is amended by changing Sections 5-117 and 16-108.30 and by adding Section 16-111.11 as follows:

(220 ILCS 5/5-117)

Sec. 5-117. Supplier diversity goals.

(a) The public policy of this State is to collaboratively work with companies that serve Illinois residents to improve their supplier diversity in a non-antagonistic manner.

(b) The Commission shall require all gas, electric, and water utilities ~~companies~~ with at least 100,000 customers under its authority~~, as well as suppliers of wind energy, solar energy, hydroelectricity, nuclear energy, and any other supplier of energy within this State,~~ to submit an annual report by April 15, 2015 and every April 15 thereafter, in a searchable Adobe PDF format, on all procurement goals and actual spending for female-owned, minority-owned, veteran-owned, and small business enterprises in the previous calendar year. These goals shall be expressed as a percentage of the total work performed by the entity submitting the report, and the actual spending for all female-owned, minority-owned, veteran-owned, and small business enterprises shall also be expressed as a percentage of the total work performed by the entity submitting the report.

(c) Each participating company in its annual report shall include the following information:

(1) an explanation of the plan for the next year to increase participation;

(2) an explanation of the plan to increase the goals;

(3) the areas of procurement each company shall be actively seeking more participation in the next year;

(3.5) a buying plan for the specific goods and services the company intends to buy in the next 6 to 18 months, including any procurement codes used by the company, to assist entrepreneurs and diverse companies to understand upcoming opportunities to work with the company;

(4) an outline of the plan to alert and encourage potential vendors in that area to seek business from the company;

(5) an explanation of the challenges faced in finding quality vendors and offer any suggestions for what the Commission could do to be helpful to identify those vendors;

(6) a list of the certifications the company recognizes;

(7) the point of contact for any potential vendor who wishes to do business with the company and explain the process for a vendor to enroll with the company as a minority-owned, women-owned, or veteran-owned company; and

(8) any particular success stories to encourage other companies to emulate best practices.

(d) Each annual report shall include as much State-specific data as possible. If the submitting entity does not submit State-specific data, then the company shall include any national data it does have and explain why it could not submit State-specific data and how it intends to do so in future reports, if possible.

(e) Each annual report shall include the rules, regulations, and definitions used for the procurement goals in the company's annual report.

(f) The Commission and all participating entities shall hold an annual workshop open to the public in 2015 and every year thereafter on the state of supplier diversity to collaboratively seek solutions to structural impediments to achieving stated goals, including testimony from each participating entity as well as subject matter experts and advocates. The Commission shall publish a database on its website of the point of contact for each participating entity for supplier diversity, along with a list of certifications each company recognizes from the information submitted in each annual report. The Commission shall publish each annual report on its website and shall maintain each annual report for at least 5 years.

(Source: P.A. 102-558, eff. 8-20-21; 102-662, eff. 9-15-21; 102-673, eff. 11-30-21.)

(220 ILCS 5/16-108.30)

Sec. 16-108.30. Energy Transition Assistance Fund.

(a) The Energy Transition Assistance Fund is hereby created as a special fund in the State Treasury. The Energy Transition Assistance Fund is authorized to receive moneys collected pursuant to this Section. Subject to appropriation, the Department of Commerce and Economic Opportunity shall use moneys from the Energy Transition Assistance Fund consistent with the purposes of this Act.

(b) An electric utility serving more than 500,000 customers in the State shall assess an energy transition assistance charge on all its retail customers for the Energy Transition Assistance Fund. The utility's total charge shall be set based upon the value determined by the Department of Commerce and Economic Opportunity pursuant to subsection (d) or (e), as applicable, of Section 605-1075 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois. For each utility, the charge shall be recovered through a single, uniform cents per kilowatt-hour charge applicable to all retail customers. For each utility, the charge shall not exceed 1.3% of the amount paid per kilowatthour by eligible retail ~~those~~ customers during the year ending May 31, 2009.

(c) Within 75 days of the effective date of this amendatory Act of the 102nd General Assembly, each electric utility serving more than 500,000 customers in the State shall file with the Illinois Commerce Commission tariffs incorporating the energy transition assistance charge in other charges stated in such tariffs, which energy transition assistance charges shall become effective no later than the beginning of the first billing cycle that begins on or after January 1, 2022. Each electric utility serving more than 500,000 customers in the State shall, prior to the beginning of each calendar year starting with calendar year 2023, file with the Illinois Commerce Commission tariff revisions to incorporate annual revisions to the energy transition assistance charge as prescribed by the Department of Commerce and Economic Opportunity pursuant to Section 605-1075 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois so that such revision becomes effective no later than the beginning of the first billing cycle in each respective year.

(d) The energy transition assistance charge shall be considered a charge for public utility service.

(e) By the 20th day of the month following the month in which the charges imposed by this Section were collected, each electric utility serving more than 500,000 customers in the State shall remit to Department of Revenue all moneys received as payment of the energy transition assistance charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. If a customer makes a partial payment, a public utility may apply such partial payments first to amounts owed to the utility. No customer may be subjected to disconnection of his or her utility service for failure to pay the energy transition assistance charge.

If any payment provided for in this subsection exceeds the electric utility's liabilities under this Act, as shown on an original return, the Department may authorize the electric utility to credit such excess payment against liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules adopted by the Department.

All the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act that are not inconsistent with this Act apply, as far as practicable, to the charge imposed by this Act to the same extent as if those provisions were included in this Act. References in the incorporated Sections of the Retailers' Occupation Tax Act to retailers, to sellers, or to persons engaged in the business of selling tangible personal property mean persons required to remit the charge imposed under this Act.

(f) The Department of Revenue shall deposit into the Energy Transition Assistance Fund all moneys remitted to it in accordance with this Section.

(g) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(h) The Department of Commerce and Economic Opportunity may establish such rules as it deems necessary to implement this Section.

(Source: P.A. 102-662, eff. 9-15-21.)

(220 ILCS 5/16-111.11 new)

Sec. 16-111.11. Supplier diversity reporting for non-utilities.

(a) The following entities shall submit an annual supplier diversity report to the Commission for a given year:

(1) entities that received a contract to provide more than 10,000 renewable energy credits approved by the Commission in a given year pursuant to subparagraph (iii) of paragraph (5) of subsection (b) of Section 16-111.5;

(2) entities that received a contract to provide more than 10,000 renewable energy credits approved by the Commission in a given year pursuant to subsection (e) of Section 16-111.5;

(3) alternative retail electric suppliers that have yearly sales in the State of 1,000,000,000 kilowatt hours or more, and alternative gas suppliers as defined in Section 19-105 that have yearly sales in the State of 1,000,000 dekatherms or more;

(4) entities constructing or operating an HVDC transmission line as defined in Section 1-10 of the Illinois Power Agency Act or entities constructing or operating transmission facilities under a certificate of public convenience and necessity issued pursuant to subsection (b-5) of Section 8-406;

(5) entities installing more than 100 energy efficiency measures with a certificate approved by the Commission pursuant to Section 16-128B; and

(6) other suppliers of electricity generated from any resource, including, but not limited to, hydro, nuclear, coal, natural gas, and any other supplier of energy within this State.

(b) An annual report filed pursuant to this Section shall be filed on an electronic form as designed by the Commission by June 1, 2023 and every June 1 thereafter, in a searchable Adobe PDF format, on all procurement goals and actual spending for women-owned businesses, minority-owned businesses, veteran-owned businesses, and small business enterprises in the previous calendar year related to the performance of obligations in the State of the contracts of licenses listed in subsection (a). These goals shall be expressed as a percentage of the total work performed by the entity submitting the report. The actual spending for all women-owned businesses, minority-owned businesses, veteran-owned businesses, and small business enterprises shall also be expressed as a percentage of the total work performed by the entity submitting the report. Notwithstanding any provision of law to the contrary, any entity with obligations related to equity eligible actions pursuant to the Illinois Power Agency Act may express such goals and spending in those terms.

Each participating entity in its annual report shall include the following information related to the entity's operations in the State related to the certificates or activities listed in subsection (a):

(1) an explanation of the plan for the next year to increase participation;

(2) an explanation of the plan to increase the goals;

(3) the areas of procurement each entity shall be actively seeking more participation in the next year;

(4) an outline of the plan to alert and encourage potential vendors in that area to seek business from the entity;

(5) an explanation of the challenges faced in finding quality vendors and offer any suggestions for what the Commission could do to be helpful to identify those vendors;

(6) a list of the certifications the entity recognizes;

(7) the point of contact for any potential vendor who wants to do business with the entity and explain the process for a vendor to enroll with the company as a minority-owned, women-owned, or veteran-owned company; and

(8) any particular success stories to encourage other entities to emulate best practices.

(c) Each annual report shall include as much State-specific data as possible. If the submitting entity does not submit State-specific data, then the entity shall include any national data it does have and explain why it could not submit State-specific data and how it intends to do so in future reports.

(d) Each annual report shall include the rules, regulations, and definitions used for the procurement goals in the entity's annual report.

(e) Each annual report filed or submitted under this Section shall be submitted with the Commission. The Commission shall not be required or authorized to compel production of any report under this Section. The Commission shall hold an annual workshop open to the public in 2024 and every year thereafter on the state of supplier diversity to collaboratively seek solutions to structural impediments to achieving stated goals, including testimony from participating entities as well as subject matter experts and advocates in a non-antagonistic manner. The Commission shall invite all entities submitting a report pursuant to this Section. The Commission shall publish a database on its website of the point of contact for each participating entity for supplier diversity, along with a list of certifications each company recognizes from the information submitted in each annual report. The Commission shall publish each annual report on its website and shall maintain each annual report for at least 5 years.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Harmon, **Senate Bill No. 4011** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 7:22 o'clock p.m., the Honorable Don Harmon, President of the Senate, presiding.

On motion of Senator Muñoz, **Senate Bill No. 3145** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Financial Institutions.

Floor Amendment No. 2 was postponed in the Committee on Financial Institutions.

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

On motion of Senator Muñoz, **Senate Bill No. 3894** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 7:24 o'clock p.m., the Chair announced that the Senate stands adjourned until Friday, February 25, 2022, at 9:30 o'clock a.m.