SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED SECOND GENERAL ASSEMBLY

88TH LEGISLATIVE DAY

FRIDAY, FEBRUARY 25, 2022

10:08 O'CLOCK A.M.

NO. 88
[February 25, 2022]

SENATE
Daily Journal Index
88th Legislative Day

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

Senator Hunter moved that reading and approval of the Journal of Thursday, February 24, 2022, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

January 2022 - Monthly Report of Revenues, Prize Disbursements and Other Expenses by the Illinois Department of the Lottery, submitted by the Illinois Lottery.

The foregoing report was 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. 2 to Senate Bill 1097
Amendment No. 2 to Senate Bill 3082
Amendment No. 4 to Senate Bill 3629
Amendment No. 2 to Senate Bill 3851

The following Committee 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 3644

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS

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

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

February 25, 2022

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

Dear Mr. Secretary:

Pursuant to the Senate Rule 2-10, I hereby extend the 3rd Reading deadline to March 11, 2022, for the following bills:

SB 0142
SB 0816
SB 0819
SB 1097
SB 1233
SB 1435
SB 2535
SB 2940
SB 2975
SB 3093
SB 3122
SB 3145
SB 3158
SB 3201
SB 3471
SB 3600
SB 3629
SB 3663
SB 3683
SB 3709
SB 3720
SB 3732
SB 3775
SB 3796
SB 3808
SB 3851
SB 3900
SB 3911
SB 3981
SB 3982
SB 3983
SB 3985
SB 4015
SB 4018

Sincerely,
s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader Dan McConchie

OFFICE OF THE SENATE PRESIDENT
DON HARMON
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312-814-2075

February 25, 2022

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

Dear Mr. Secretary:

Pursuant to the Senate Rule 2-10, I hereby extend the committee and 3rd Reading deadline to March 11, 2022, for the following bills:

SB 3644
SB 3774
SB 3809
SB 3926

Sincerely,
s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader Dan McConchie

COMMUNICATION

Laura Ellman
State Senator - 21st District
www.SenatorLauraEllman.com
February 25, 2022

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

Dear Mr. Secretary:

Pursuant to Rule 5-1(b), I hereby give my consent for SB 3613 and SB 3786 to be presented on the order of 3rd Reading by Senator John Connor.

Sincerely,
s/Laura Ellman
Laura Ellman
State Senator, 21st District

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 868

Offered by Senators Harmon - Fine and all Senators:
Mourns the passing of Josephine "Jo" Baskin Minow of Chicago.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 5287, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5538, 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 SECOND TIME

On motion of Senator Feigenholtz, **Senate Bill No. 2316** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Executive.

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

AMENDMENT NO. 2 TO SENATE BILL 2316

AMENDMENT NO. 2 . Amend Senate Bill 2316 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 13C-80 as follows:
(625 ILCS 5/13C-80 new)
Sec. 13C-80. Inspection replacement plan; report to General Assembly. By October 1, 2022, the Agency shall submit a written report to the General Assembly containing its plan to replace the dismantled

official inspection stations located in the City of Chicago. The removal of the official inspection stations adversely impacted Chicago's 2.8 million population.

The plan shall consist of either a pilot program or a permanent replacement program. The described plan shall provide information on the locations of the new stations within the City of Chicago, information on potential vendors that may best supply and manage such stations, and a target date for full operation of all stations. The Agency shall issue a request for proposals related to its plan by January 1, 2023.

The described plan shall also contain a timeline of actions including the issuance of a request for proposals by January 1, 2023. The plan shall include procurement of services, technology, equipment, and other elements necessary to replace the former vehicle testing lanes and shall state whether the replacement stations in the City of Chicago will utilize permanent self-service kiosks. The plan shall also include the Agency's strategy of how best to inform people of the location and hours of operation of the new official inspection stations and conduct an informational campaign.

Any contracts given as a result of this plan shall adhere to all State procurement requirements. The State shall consider contracting with minority-owned businesses as defined in Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

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

Committee Amendment No. 3 was postponed in the Committee on Executive.

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

AMENDMENT NO. 4 TO SENATE BILL 2316

AMENDMENT NO. 4 . Amend Senate Bill 2316, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 1, line 15, by replacing "the locations" with "the proposed locations"; and

by replacing line 16 on page 1 through line 1 on page 2 with "within the City of Chicago, information on programs implemented in other states, and a target"; and

on page 2, line 11, after "kiosks", by inserting "or other services".

There being no further amendments, the foregoing Amendments Numbered 2 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

SENATE BILL RECALLED

On motion of Senator Simmons, **Senate Bill No. 702** was recalled from the order of third reading to the order of second reading.

Senator Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 702

AMENDMENT NO. 1 . Amend Senate Bill 702 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Act on the Aging is amended by adding Section 4.04b as follows:

(20 ILCS 105/4.04b new)

Sec. 4.04b. Senior Housing Residents' Advisory Council.

(a) Findings and purpose. The COVID-19 pandemic has impacted seniors residing in assisted living facilities and congregate living arrangements especially hard. Faced with sickness, isolation, and a lack of support services many seniors of this State have expressed feeling overlooked and forgotten about. The purpose of the Senior Housing Residents' Advisory Council established under this Section is to create a space and opportunity for senior Illinoisans to connect with each other and meet with representatives from the Department on Aging and the Department of Public Health in order to share their ideas on how the State can improve the quality of life for its senior residents. The Council will also give senior Illinoisans the opportunity to share their findings and recommendations on targeted services and supports for seniors with the Governor and the General Assembly.

(b) Establishment and composition. The Senior Housing Residents' Advisory Council is established within the Department on Aging. The Council shall consist of the following members:

(1) The Director of the Department on Aging, or his or her designee, who shall serve as Chair of the Council.

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

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

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

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

(6) The Director of the Department of Public Health or his or her designee.

(7) Two seniors who reside in affordable senior housing developments, appointed by the Department on Aging.

(8) Two seniors who reside in assisted living facilities, appointed by the Department of Public Health.

(9) One adult family member of a senior who resides in an affordable senior housing development, appointed by the Department on Aging.

(10) One adult family member of a senior who resides in an assisted living facility, appointed by the Department of Public Health.

(11) One senior who lives in Cook County, appointed by the Department on Aging.

(12) One senior who lives in central Illinois, appointed by the Department on Aging.

(13) One senior who lives in southern Illinois, appointed by the Department on Aging.

(14) One senior who lives in northern Illinois, appointed by the Department on Aging.

(15) One senior who lives in western Illinois, appointed by the Department on Aging.

(16) One administrative personnel from an affordable senior housing development, appointed by the Department on Aging.

(17) One administrative personnel from an assisted living facility, appointed by the Department of Public Health.

(18) One outreach professional who works at the Department on Aging.

(c) The Council shall meet quarterly at the call of the Chair beginning no later than January 1, 2023 and shall thereafter meet on the date of each quarterly meeting with personnel from the Department of Public Health and the Department on Aging. All meetings shall be open to the public in accordance with the Open Meetings Act. The Council is authorized to form subcommittees that can meet more frequently than once per quarter. Members of the Council shall receive no compensation for their service but shall be reimbursed for any necessary expenses incurred in the performance of their duties from appropriations made by the General Assembly for that purpose. The Department on Aging shall provide the Council with administrative, personnel, and technical support services.

(d) Duties. The Council has the following duties:

(1) Identify barriers to seniors feeling supported by and connected to their communities.

(2) Evaluate available resources and services for seniors.

(3) Evaluate State outreach to seniors.

(4) Evaluate the impact of COVID-19 on congregate living arrangements for seniors.

(e) Reports. No later than December 31 in 2023, 2024, and 2025, the Council shall submit a written report to the Governor and the General Assembly on the results of its findings and evaluations under subsection (d) and shall provide advice and recommendations on:

(1) how best to disseminate information to seniors on available supports and services through the use of State agency websites, informational materials, and outreach personnel;

(2) how to ensure of the availability of targeted services for seniors and to eliminate any gaps in services for seniors; and

(3) how to improve State policy concerning seniors and congregate living arrangements for seniors in response to COVID-19.

The Council shall terminate and dissolve after it submits its third report on December 31, 2025.

(f) This Section is repealed on January 1, 2027.

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 Simmons, **Senate Bill No. 702** 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	Feigenholtz	Loughran Cappel	Stadelman
Bailey	Fine	Martwick	Stoller
Barickman	Fowler	McClure	Tracy
Belt	Gillespie	McConchie	Turner, D.
Bennett	Glowiak Hilton	Morrison	Turner, S.
Bryant	Harris	Muñoz	Villa
Bush	Holmes	Murphy	Villanueva
Castro	Hunter	Pacione-Zayas	Villivalam
Collins	Johnson	Peters	Wilcox
Connor	Joyce	Plummer	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.

SENATE BILL RECALLED

On motion of Senator Plummer, **Senate Bill No. 1411** was recalled from the order of third reading to the order of second reading.

Senator Plummer offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1411

AMENDMENT NO. 1 . Amend Senate Bill 1411 by replacing everything after the enacting clause with the following:

"Section 5. The Vital Records Act is amended by changing Section 25 as follows:

(410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

Sec. 25. In accordance with Section 24 of this Act, and the regulations adopted pursuant thereto:

(1) The State Registrar of Vital Records shall search the files of birth, death, and fetal death records, upon receipt of a written request and a fee of $10 from any applicant entitled to such search. A search fee shall not be required for commemorative birth certificates issued by the State Registrar. A search fee shall not be required for a birth record search from a person (1) upon release on parole, mandatory supervised release, final discharge, or pardon from the Department of Corrections if the person presents a prescribed verification form completed by the Department of Corrections verifying the person's date of birth and social security number, or (2) placed on aftercare release under the

Juvenile Court Act of 1987, upon release on parole, mandatory supervised release, final discharge, or pardon from the Department of Juvenile Justice if the person presents a prescribed verification form completed by the Department of Juvenile Justice verifying the person's date of birth and social security number; however, the person is entitled to only one search fee waiver. If, upon search, the record requested is found, the State Registrar shall furnish the applicant one certification of such record, under the seal of such office. If the request is for a certified copy of the record an additional fee of $5 shall be required. An additional fee for a certified copy of the record shall not be required from a person (1) upon release on parole, mandatory supervised release, final discharge, or pardon from the Department of Corrections if the person presents a prescribed verification form completed by the Department of Corrections verifying the released person's date of birth and social security number, or (2) placed on aftercare release under the Juvenile Court Act of 1987, upon release on parole, mandatory supervised release, final discharge, or pardon from the Department of Juvenile Justice if the person presents a prescribed verification form completed by the Department of Juvenile Justice verifying the person's date of birth and social security number; however, the person is entitled to only one certified copy fee waiver. If the request is for a certified copy of a death certificate or a fetal death certificate, an additional fee of $2 is required. The additional fee shall be deposited into the Death Certificate Surcharge Fund. A further fee of $2 shall be required for each additional certification or certified copy requested. If the requested record is not found, the State Registrar shall furnish the applicant a certification attesting to that fact, if so requested by the applicant. A further fee of $2 shall be required for each additional certification that no record has been found.

Any local registrar or county clerk shall search the files of birth, death and fetal death records, upon receipt of a written request from any applicant entitled to such search. If upon search the record requested is found, such local registrar or county clerk shall furnish the applicant one certification or certified copy of such record, under the seal of such office, upon payment of the applicable fees. If the requested record is not found, the local registrar or county clerk shall furnish the applicant a certification attesting to that fact, if so requested by the applicant and upon payment of applicable fee. The local registrar or county clerk must charge a $2 fee for each certified copy of a death certificate. The fee is in addition to any other fees that are charged by the local registrar or county clerk. The additional fees must be transmitted to the State Registrar monthly and deposited into the Death Certificate Surcharge Fund. The local registrar or county clerk may charge fees for providing other services for which the State Registrar may charge fees under this Section.

Upon receipt of a written request from any applicant entitled to such a search, a local registrar or county clerk shall search available files for the death certificate of an active duty or retired service member of the United States military. If the death certificate requested by the applicant is found, the local registrar or county clerk shall furnish the applicant with one certified copy of the death certificate, under the seal of the local registrar's or county clerk's office, at no cost to the applicant. If the requested death certificate of the service member is not found, the local registrar or county clerk shall furnish the applicant, at no cost, with certification attesting to that fact if so requested by the applicant. A local registrar or county clerk shall not require a fee from the applicant of more than $6 for any subsequent copy of the service member's death certificate or certification attesting that the death certificate of the service member was not found.

A request to any custodian of vital records for a search of the death record indexes for genealogical research shall require a fee of $10 per name for a 5 year search. An additional fee of $1 for each additional year searched shall be required. If the requested record is found, one uncertified copy shall be issued without additional charge.

Any fee received by the State Registrar pursuant to this Section which is of an insufficient amount may be returned by the State Registrar upon his recording the receipt of such fee and the reason for its return. The State Registrar is authorized to maintain a 2 signature, revolving checking account with a suitable commercial bank for the purpose of depositing and withdrawing-for-return cash received and determined insufficient for the service requested.

No fee imposed under this Section may be assessed against an organization chartered by Congress that requests a certificate for the purpose of death verification.

Any custodian of vital records, whether it may be the Department of Public Health, a local registrar, or a county clerk shall charge an additional $2 for each certified copy of a death certificate and that additional fee shall be collected on behalf of the Department of Financial and Professional Regulation for deposit into the Cemetery Oversight Licensing and Disciplinary Fund.

(2) The certification of birth may contain only the name, sex, date of birth, and place of birth, of the person to whom it relates, the name, age and birthplace of the parents, and the file number; and none of the other data on the certificate of birth except as authorized under subsection (5) of this Section.

(3) The certification of death shall contain only the name, Social Security Number, sex, date of death, and place of death of the person to whom it relates, and file number; and none of the other data on the certificate of death except as authorized under subsection (5) of this Section.

(4) Certification or a certified copy of a certificate shall be issued:

(a) Upon the order of a court of competent jurisdiction; or

(b) In case of a birth certificate, upon the specific written request for a certification or certified copy by the person, if of legal age, by a parent or other legal representative of the person to whom the record of birth relates, or by a person having a genealogical interest; or

(c) Upon the specific written request for a certification or certified copy by a department of the state or a municipal corporation or the federal government; or

(c-1) Upon the specific written request for a certification or certified copy by a State's Attorney for the purpose of a criminal prosecution; or

(d) In case of a death or fetal death certificate, upon specific written request for a certified copy by a person, or his duly authorized agent, having a genealogical, personal or property right interest in the record.

A genealogical interest shall be a proper purpose with respect to births which occurred not less than 75 years and deaths which occurred not less than 20 years prior to the date of written request. Where the purpose of the request is a genealogical interest, the custodian shall stamp the certification or copy with the words, FOR GENEALOGICAL PURPOSES ONLY.

(5) Any certification or certified copy issued pursuant to this Section shall show the date of registration; and copies issued from records marked "delayed," "amended," or "court order" shall be similarly marked and show the effective date.

(6) Any certification or certified copy of a certificate issued in accordance with this Section shall be considered as prima facie evidence of the facts therein stated, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

(7) Any certification or certified copy issued pursuant to this Section shall be issued without charge when the record is required by the United States Veterans Administration or by any accredited veterans organization to be used in determining the eligibility of any person to participate in benefits available from such organization. Requests for such copies must be in accordance with Sections 1 and 2 of "An Act to provide for the furnishing of copies of public documents to interested parties," approved May 17, 1935, as now or hereafter amended.

(8) The National Vital Statistics Division, or any agency which may be substituted therefor, may be furnished such copies or data as it may require for national statistics; provided that the State shall be reimbursed for the cost of furnishing such data; and provided further that such data shall not be used for other than statistical purposes by the National Vital Statistics Division, or any agency which may be substituted therefor, unless so authorized by the State Registrar of Vital Records.

(9) Federal, State, local, and other public or private agencies may, upon request, be furnished copies or data for statistical purposes upon such terms or conditions as may be prescribed by the Department.

(10) The State Registrar of Vital Records, at his discretion and in the interest of promoting registration of births, may issue, without fee, to the parents or guardian of any or every child whose birth has been registered in accordance with the provisions of this Act, a special notice of registration of birth.

(11) No person shall prepare or issue any certificate which purports to be an original, certified copy, or certification of a certificate of birth, death, or fetal death, except as authorized in this Act or regulations adopted hereunder.

(12) A computer print-out of any record of birth, death or fetal record that may be certified under this Section may be used in place of such certification and such computer print-out shall have the same legal force and effect as a certified copy of the document.

(13) The State Registrar may verify from the information contained in the index maintained by the State Registrar the authenticity of information on births, deaths, marriages and dissolution of marriages provided to a federal agency or a public agency of another state by a person seeking benefits or employment from the agency, provided the agency pays a fee of $10.

(14) The State Registrar may issue commemorative birth certificates to persons eligible to receive birth certificates under this Section upon the payment of a fee to be determined by the State Registrar.

(Source: P.A. 99-95, eff. 7-21-15; 100-42, eff. 1-1-18; 100-724, eff. 8-3-18.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Plummer, **Senate Bill No. 1411** 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 47; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator McClure, **Senate Bill No. 1486** was recalled from the order of third reading to the order of second reading.

Senator McClure offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1486

AMENDMENT NO. 1 . Amend Senate Bill 1486 by replacing everything after the enacting clause with the following:

"Section 5. The Children and Family Services Act is amended by adding Section 21.6 as follows:

(20 ILCS 505/21.6 new)

Sec. 21.6. Child protective investigators; personal protection spray devices. A child protective investigator is authorized to carry and use personal protection spray devices, such as mace, pepper mace, or pepper gas, for self-defense purposes while investigating a report of child abuse or neglect if the child protective investigator has been trained on the proper use of such personal protection spray devices by the Illinois State Police. The Illinois State Police shall establish a training program for child protective investigators on the proper use of personal protection spray devices for self-defense purposes. The Department shall provide funding for the training program.

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 McClure, **Senate Bill No. 1486** 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 48; NAYS None.

The following voted in the affirmative:

Anderson	Curran	Lightford	Stoller
Aquino	Feigenholtz	Loughran Cappel	Syverson
Bailey	Fine	Martwick	Tracy
Barickman	Fowler	McClure	Turner, D.
Belt	Gillespie	McConchie	Turner, S.
Bennett	Glowiak Hilton	Morrison	Villanueva
Bryant	Harris	Muñoz	Villivalam
Bush	Holmes	Murphy	Wilcox
Castro	Hunter	Pacione-Zayas	Mr. President
Collins	Johnson	Peters	
Connor	Joyce	Plummer	
Crowe	Koehler	Rose	
Cunningham	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 Martwick, **Senate Bill No. 1571** was recalled from the order of third reading to the order of second reading.

Senator Martwick offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1571

AMENDMENT NO. 1 . Amend Senate Bill 1571 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 11-10-1 and 11-10-2 and by adding Sections 11-10-0.01 and 11-10-2.5 as follows:

(65 ILCS 5/11-10-0.01 new)

Sec. 11-10-0.01. Short title. This Division may be cited as the Foreign Fire Insurance License Fee Act.

(65 ILCS 5/11-10-1) (from Ch. 24, par. 11-10-1)

Sec. 11-10-1. (a) In each municipality or fire protection district, whether incorporated under a general or special law, which has a fire department established and maintained by municipal or fire protection district ordinances, every corporation, company, and association which is not incorporated under the laws of this state and which is engaged in effecting fire insurance in the municipality or fire protection district, shall pay to the foreign fire insurance board or to the secretary of the fire protection district for the maintenance, use, and benefit of the fire department thereof, a sum of ~~not exceeding~~ 2% of the gross receipts received from fire insurance upon property situated within the municipality or district.

~~Each municipality and fire protection district may prescribe by ordinance the rate of the tax or license fee to be paid, but this rate shall not exceed the rate specified in this section.~~ Each designated corporation, company, and association shall pay the sum ~~at the rate~~ so prescribed by this subsection, upon the amount of all premiums which have been received during the year ending on every first day of July for all fire insurance effected or agreed to be effected on property situated within the municipality or fire protection district, by that corporation, company, or association respectively.

Every person who acts in any specified municipality or fire protection district as agent, or otherwise, on behalf of a designated corporation, company, or association, shall render to the treasurer of the foreign fire insurance board or secretary of the fire protection district, on or before the fifteenth day of July of each year, a full and true account, verified by his oath, of all of the premiums which, during the year ending on the first day of July preceding the report, were received by him, or by any other person for him on behalf of that corporation, company, or association. He shall specify in this report the amounts received for fire insurance, and he shall pay to the treasurer ~~of the foreign fire insurance board,~~ or to the secretary of the fire protection district, or to the treasurer's or secretary's designee, at the time of rendering this report, the sum ~~amount as determined by the rate~~ fixed by this subsection ~~by the ordinance of the municipality or fire protection district for which his corporation, company, or association is accountable under this section and the ordinance~~.

If this account is not rendered on or before the fifteenth day of July of each year, or if the sum due remains unpaid after that day, it shall be unlawful for any corporation, company, or association, so in default, to transact any business in the municipality or fire protection district until the sum due has been fully paid. But this provision shall not relieve any corporation, company, or association from the payment of any loss upon any risk that may be taken in violation of this requirement.

The amount of this ~~tax or~~ license fee may be recovered from the corporation, company, ~~or~~ association, or any third party which owes it, or from its agent, by an action brought by a foreign fire insurance board ~~in the name and for the use of the municipality~~ or fire protection district ~~as for money had and received~~.

The foreign fire insurance board ~~municipal comptroller, if any, and if not, then the municipal clerk~~ or the secretary of the fire protection district, or the board's or secretary's authorized designee, may examine the books, records, and other papers and documents of a designated agent, corporation, company, or association for the purpose of verifying the correctness of the report of the amounts received for fire insurance.

This subsection is ~~section shall not be~~ applicable to receipts from contracts of marine fire insurance~~, even though they include insurance against fire, where the premium for the fire insurance is not separately specified~~.

(b) A foreign fire insurance board aggrieved by a violation of this Section may file suit in the Circuit Court in the county where the alleged violation occurred.

(c) The regulation of a foreign fire insurance board and its license fees are exclusive powers and functions of the State. A home rule municipality may not regulate a foreign fire insurance board and its license fees. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 95-807, eff. 8-12-08.)

(65 ILCS 5/11-10-2) (from Ch. 24, par. 11-10-2)

Sec. 11-10-2. (a) A ~~department~~ foreign fire insurance board shall be created by and among the sworn members of ~~within~~ the fire department of each municipality with fewer than 500,000 inhabitants that has an

organized fire department. The board shall consist of 7 trustees; the fire chief, who shall hold office by virtue of rank, and 6 members, who shall be elected at large by the sworn members of the department. If there is an insufficient number of candidates to fill all these positions, the number of board members may be reduced, but not to fewer than 3 trustees. All sworn members of the department shall be eligible to be elected as officers of the ~~department~~ foreign fire insurance board. The members of this board shall annually elect officers. These officers shall be a chairman, ~~and~~ a treasurer, and any other officers deemed necessary by the board. The members ~~trustees~~ of the ~~department~~ foreign fire insurance board shall make all needful rules and regulations with respect to the ~~department~~ foreign fire insurance board and the management of the funds ~~money~~ to be paid ~~appropriated~~ to the board. The foreign fire insurance board may establish, manage, and maintain an account for the holding and expenditure of all funds paid to the board. The foreign fire insurance board may contract for the purchase of goods and services using funds paid to the board. Contracting for services includes, but is not limited to, the procurement and payment of all accounting, legal, collection, or other professional services deemed by the board to be necessary to the execution of its duties under this Division using funds paid to the board. The foreign fire insurance board may sue all parties necessary to enforce its rights under this Section. The officers of the ~~department~~ foreign fire insurance board shall develop and maintain a listing of those items that the board feels are appropriate expenditures under this Act. ~~The treasurer of the department foreign fire insurance board shall give a sufficient bond to the municipality in which the fire department is organized. This bond shall be approved by the mayor or president, as the case may be, conditioned upon the faithful performance by the treasurer of his or her duties under the ordinance and the rules and regulations provided for in this section.~~ The treasurer of the ~~department~~ foreign fire insurance board shall receive the funds paid as provided in Section 1 ~~appropriated money~~ and shall pay out the funds ~~money~~ upon the order of the ~~department~~ foreign fire insurance board for the maintenance, use, and benefit of the department or as otherwise permitted by this Division. These ~~As part of the annual municipal audit, these~~ funds shall be audited to verify that the funds have been expended by that board only for the maintenance, use, and benefit of the department using funds paid to the board. Contracting for services includes, but is not limited to, the procurement and payment of all accounting, legal, collection, or other professional services deemed by the board to be necessary to the execution of its duties under this Division using funds paid to the board.

Disputes between a fire chief and the remaining members of a foreign fire insurance board concerning whether any expenditure of funds by the board is for the maintenance, use, or benefit of the department or for any other purpose authorized by this Division shall be resolved through binding arbitration, pursuant to a written arbitration agreement established by the foreign fire insurance board, that is recognized under the Uniform Arbitration Act. Arbitrations held pursuant to a written arbitration agreement are the exclusive remedy available for resolving such disputes.

(b) As used in this subsection, "active member" means a member of the Chicago Fire Department who is not receiving a disability pension, retired, or a deferred pensioner of the Firemen's Annuity and Benefit Fund of Chicago.

A department foreign fire insurance board is created within the Chicago Fire Department. The board shall consist of 7 trustees who shall be initially elected on or before January 1, 2019: the fire commissioner, who shall hold office by virtue of rank, and 6 elected trustees, who shall be elected at large by the sworn members of the department. If there is an insufficient number of candidates seeking election to each vacant trustee position, the number of board members is reduced to 5 trustees, including the fire commissioner of the department, until the next election cycle when there are enough active members seeking election to fill all 7 member seats. All active members are eligible to be elected as trustees of the department foreign fire insurance board. Of the trustees first elected, 3 trustees shall be elected to a 2-year term and 3 trustees shall be elected to a 3-year term. After the initial election, a trustee shall be elected for a term of 3 years. If a member of the board resigns, is removed, or is unable to continue serving on the board, the vacancy shall be filled by special election of the active members or, in the case of a vacancy that will exist for fewer than 180 days until the term expires, by appointment by majority vote of the members of the board.

The members of the board shall annually elect officers. These officers shall be a chairman, treasurer, and secretary. The trustees of the board shall make rules and regulations with respect to the board and the management of the money appropriated to the board. The officers of the board shall develop and maintain a listing of those items that the board believes are appropriate expenditures under this subsection. The treasurer of the board shall give a sufficient bond to the City of Chicago. The cost of the bond shall be paid out of the moneys in the board's fund. The bond shall be conditioned upon the faithful performance by the treasurer of his or her duties under the rules and regulations provided for in this subsection. The treasurer of

the board shall receive the appropriated proceeds and shall disburse the proceeds upon the order of the board for the maintenance, use, and benefit of the department consistent with this subsection. As part of the annual municipal audit, these funds shall be audited to verify that the funds have been expended lawfully by the board consistent with this subsection.

Within 30 days after receipt of any foreign fire insurance proceeds by the City of Chicago, the City of Chicago shall transfer the proceeds to the board by depositing the proceeds into an account determined by the board, except that if the effective date of this amendatory Act of the 100th General Assembly is after July 31, 2018, then the City of Chicago shall, for budget year 2019 only, transfer only 50% of the proceeds to the board. Notwithstanding any other provision of law: 50% of the foreign fire insurance proceeds received by the board shall be used for the maintenance, use, benefit, or enhancement of fire stations or training facilities used by the active members of the fire department; 25% of the foreign fire insurance proceeds received by the board shall be used for the maintenance, use, benefit, or enhancement of emergency response vehicles, tools, and equipment used by the active members of the department; and 25% of the foreign fire insurance proceeds received by the board shall be used for the maintenance and enhancement of the department and for the use and benefit of the active members of the department in a manner otherwise consistent with this subsection. Foreign fire insurance proceeds may not be used to purchase, maintain, or enhance personal property of a member of the department, except for personal property used in the performance of his or her duties or training activities.

(c) The provisions of this Section shall be the exclusive power of the State, pursuant to subsection (h) of Section 6 of Article VII of the Constitution.

(Source: P.A. 100-656, eff. 7-31-18.)

(65 ILCS 5/11-10-2.5 new)

Sec. 11-10-2.5. Collection of licensing fees. A foreign fire insurance board created under this Division has the sole and exclusive authority to collect all licensing fees required to be paid by foreign fire insurance companies, corporations, associations, or third parties under this Division. This authority includes the right to designate a representative or agent authorized to collect such fees on their behalf.

A board created pursuant to subsection (a) of Section 2 that does not collect licensing fees on its own accord, or that does not designate an authorized representative or agent to collect the fees on their behalf, shall have all fees collected on its behalf by a statewide organization of municipalities recognized under Section 1-8-1.

Licensing fees collected from foreign fire insurance companies, corporations, associations, or third parties under a representative or agent authorized to do so by a foreign fire insurance board or by a statewide organization of municipalities recognized under Section 1-8-1 shall be paid promptly and directly to the treasurer of the foreign fire insurance board, less reasonable costs and expenses associated with the collection of the fees, as agreed to by the board.

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. 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 Martwick, **Senate Bill No. 1571** 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 50; NAYS None.

The following voted in the affirmative:

Anderson	Curran	Lightford	Stadelman
Aquino	Feigenholtz	Loughran Cappel	Stoller

Bailey	Fine	Martwick	Syverson
Barickman	Fowler	McClure	Tracy
Belt	Gillespie	McConchie	Turner, D.
Bennett	Glowiak Hilton	Morrison	Turner, S.
Bryant	Harris	Muñoz	Villa
Bush	Holmes	Murphy	Villanueva
Castro	Hunter	Pacione-Zayas	Villivalam
Collins	Johnson	Peters	Wilcox
Connor	Joyce	Plummer	Mr. President
Crowe	Koehler	Rose	
Cunningham	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 Morrison, **Senate Bill No. 1915** was recalled from the order of third reading to the order of second reading.

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

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 1915

AMENDMENT NO. 4 . Amend Senate Bill 1915, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by adding Section 45-23 as follows:
(30 ILCS 500/45-23 new)
Sec. 45-23. Single-use plastics prohibition; preference.
(a) For the purposes of this Section:
"Compostable" means that the item meets the ASTM D6400 standard of compostability and has been certified by the Biodegradable Products Institute as compostable.
"Compostable foodware" means containers, bowls, straws, plates, trays, cartons, cups, lids, forks, spoons, knives, and other items that are designed for one-time use for beverages, prepared food, or leftovers from meals that are compostable.
"Plastic" means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during their life cycle and after disposal.
"Recyclable foodware" means items that are designed for one-time use for beverages, prepared food, or leftovers from meals and that are commonly accepted in local curbside residential recycling pick up.
"Single-use plastic disposable foodware" means containers, bowls, straws, plates, trays, cartons, cups, lids, forks, spoons, knives, and other items that are designed for one-time use for beverages, prepared food, or leftovers from meals and that are made of plastic, are not compostable, and are not accepted in residential curbside recycling pick up.
(b) When a State agency or institution of higher education is to award a contract to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of compostable foodware or recyclable foodware may be given preference over other bidders unable to do so; provided that the bid is not more than 5% greater than the cost of products that are single-use plastic disposable foodware. The contract awarded the cost preference in this subsection (b) shall also include the option of providing the State agency or institution of higher education with single-use plastic straws.

(c) After January 1, 2023, State agencies and departments may not procure single-use plastic disposable foodware for use at any State parks or natural areas, and instead shall offer only compostable foodware or recyclable foodware for use at State parks or natural areas.

(d) After January 1, 2024, or at the renewal of its next contract, whichever occurs later, no vendor contracted through a State agency or department may provide customers with single-use plastic disposable foodware at any site located at a State park or a natural area, and instead shall offer only compostable foodware or recyclable foodware for use at State parks or natural areas.

(e) This Section does not apply to the procurement of supplies for the Illinois State Fair.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Morrison, **Senate Bill No. 1915** 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 32; NAYS 13.

The following voted in the affirmative:

Aquino	Fine	Lightford	Stadelman
Belt	Gillespie	Loughran Cappel	Villa
Bennett	Glowiak Hilton	Martwick	Villanueva
Bush	Harris	Morrison	Villivalam
Castro	Holmes	Muñoz	Mr. President
Collins	Hunter	Murphy	
Cunningham	Johnson	Pacione-Zayas	
Curran	Koehler	Peters	
Feigenholtz	Landek	Simmons	

The following voted in the negative:

Anderson	McClure	Stoller	Wilcox
Bailey	McConchie	Syverson	
Barickman	Plummer	Tracy	
Fowler	Rose	Turner, S.	

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 Bryant asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the negative on **Senate Bill No. 1915**.

On motion of Senator Tracy, **Senate Bill No. 2154** 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 50; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Loughran Cappel	Stoller
Aquino	Fine	Martwick	Syverson
Bailey	Fowler	McClure	Tracy
Barickman	Gillespie	McConchie	Turner, D.
Belt	Glowiak Hilton	Morrison	Turner, S.
Bennett	Harris	Muñoz	Van Pelt
Bryant	Holmes	Murphy	Villa
Bush	Hunter	Pacione-Zayas	Villanueva
Castro	Johnson	Peters	Villivalam
Connor	Joyce	Plummer	Wilcox
Crowe	Koehler	Rose	Mr. President
Cunningham	Landek	Simmons	
Curran	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 Anderson, **Senate Bill No. 2173** was recalled from the order of third reading to the order of second reading.

Senator Anderson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2173

AMENDMENT NO. 1 . Amend Senate Bill 2173 on page 2, by replacing lines 24 through 26 with the following:
"exceed $3,500 per qualifying apprentice. A taxpayer".

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 Anderson, **Senate Bill No. 2173** 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	Curran	Lightford	Stadelman
Aquino	Feigenholtz	Loughran Cappel	Stoller
Bailey	Fine	Martwick	Syverson
Barickman	Fowler	McClure	Tracy
Belt	Gillespie	McConchie	Turner, D.
Bennett	Glowiak Hilton	Morrison	Turner, S.
Bryant	Harris	Muñoz	Van Pelt

Bush	Holmes	Murphy	Villa
Castro	Hunter	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Joyce	Plummer	Wilcox
Crowe	Koehler	Rose	Mr. President
Cunningham	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. 2243** 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. 3 TO SENATE BILL 2243

AMENDMENT NO. 3 . Amend Senate Bill 2243, AS AMENDED, by replacing everything after the enacting clause with the following:

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

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

Section 10. Definitions. As used in this Act:

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

"Advisory Board" means the Music Therapy Advisory Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Secretary" means the Secretary of Financial and Professional Regulation or the Secretary's designee.

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

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

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

Section 20. Music Therapy Advisory Board. There is created within the Department a Music Therapy Advisory Board, which shall consist of 5 members. The Secretary shall appoint all members of the Advisory Board. The Advisory Board shall consist of persons familiar with the practice of music therapy to provide the Secretary with expertise and assistance in carrying out the Secretary's duties pursuant to this Act. The Secretary shall appoint members of the Advisory Board to serve for terms of 4 years, and members may serve consecutive terms at the will of the Secretary. Any vacancy shall be filled in the same manner as a regular appointment. The Secretary shall appoint 3 members who practice as professional music therapists in this State, one member who is a licensed health care provider who is not a music therapist, and one member who is a consumer. Members shall serve without compensation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 40. Unlicensed practice; violation; civil penalty.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 60. Qualifications for licensure.

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

(1) the applicant has received a baccalaureate degree or higher in music therapy, or its equivalent, as defined by the Department;

(2) the applicant is at least 18 years of age;

(3) the applicant is of good moral character. In determining moral character under this paragraph, the Department may take into consideration whether the applicant has engaged in conduct or activities which would constitute grounds for discipline under this Act; and

(4) the applicant provides proof of passing an exam determined by the Department or provides proof that the applicant holds a current music therapist credential as determined by the Department.

Section 65. License renewal.

(a) Every license issued under this Act shall be renewed biennially. A license shall be renewed upon payment of a renewal fee, provided that the applicant is in compliance with this Act at the time of application for renewal. The following shall also be required for license renewal:

(1) Proof of completion of a minimum of 40 hours of continuing education as established by rule.

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

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

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

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

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

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

Section 90. Privileged communications and exceptions.

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

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

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

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

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

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

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

Section 95. Grounds for discipline.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered. Nothing in this paragraph 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 shall be construed to require an employment arrangement to receive professional fees for services rendered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 100. Violations; injunction; cease and desist order.

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

punish the offender for contempt of court. Proceedings under this Section are in addition to all other remedies and penalties provided by this Act.

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

Section 105. Investigations; notice and hearing. The Department may investigate the actions of any applicant or any person holding or claiming to hold a license or engaging in the practice of music therapy. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 95, at least 30 days before the date set for the hearing, (i) notify the accused, in writing, of any charges made and the time and place for the hearing on the charges, (ii) direct the accused to file a written answer to the charges with the Department under oath within 20 days after service of the notice, and (iii) inform the accused that, if the accused fails to answer, default will be taken against the accused or that the accused's license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of the accused's practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, the accused's license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The written notice may be served by personal delivery, mail, or email to the address of record or email address of record.

Section 110. Record of proceedings; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case except as otherwise provided by statute or rule.

Section 115. Subpoenas; depositions; oaths. The Department may subpoena and bring before it any person in this State and take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or the Secretary's designee deems relevant or material to any investigation or hearing conducted by the Department with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Secretary, the shorthand court reporter, the designated hearing officer, and every member of the Advisory Board may administer oaths at any hearing which the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony and for the production of documents or records shall be in accordance with this Act.

Section 120. Compelling testimony. Any court, upon application of the Department, designated hearing officer, or the applicant or licensee against whom proceedings under Section 95 are pending, may order the attendance and testimony of witnesses and the production of relevant documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 125. Findings and recommendations. At the conclusion of the hearing, the hearing officer or Advisory Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether the licensee violated this Act or failed to comply with the conditions required in this Act. The hearing officer or Advisory Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary. The report of findings of fact, conclusions of law, and recommendation of the hearing officer or Advisory Board shall be the basis for the Department's order for refusing to issue, restore, or renew a license, or for otherwise disciplining a licensee. If the Secretary disagrees with the recommendations of the hearing officer or Advisory Board, the Secretary may issue an order in contravention of the hearing officer's or Advisory Board's recommendations. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

Section 130. Secretary; rehearing. Whenever the Secretary believes substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or the discipline of a licensee, the Secretary may order a rehearing.

Section 135. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney licensed to practice law in the State to serve as the hearing officer in any action for refusal to issue or renew a license or permit or to discipline a licensee. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the hearing officer's findings of fact, conclusions of law, and recommendations to the Secretary.

Section 140. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, is prima facie proof that: (1) the signature is the genuine signature of the Secretary; and (2) the Secretary is duly appointed and qualified.

Section 145. Restoration of license from discipline. At any time after the successful completion of a term of indefinite probation, suspension, or revocation of a license, the Department may restore the license to active status, unless, after an investigation and a hearing, the Secretary determines that restoration is not in the public interest. No person whose license has been revoked as authorized in this Act may apply for restoration of that license until authorized to do so under the Civil Administrative Code of Illinois.

Section 150. Summary suspension of license. The Secretary may summarily suspend the license of a music therapist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 105, if the Secretary finds that the evidence indicates that the continuation of practice by the professional music therapist would constitute an imminent danger to the public. If the Secretary summarily suspends the license of an individual without a hearing, a hearing must be held within 30 days after the suspension has occurred and shall be concluded as expeditiously as possible.

Section 155. Administrative review; venue.

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and its rules. As used in this Section, "administrative decision" has the same meaning as used in Section 3-101 of the Code of Civil Procedure.

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

Section 160. Certification of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

Section 165. Violations. Unless otherwise specified, any person found to have violated any provision of this Act is guilty of a Class A misdemeanor.

Section 170. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the certificate, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party or the address of record.

Section 175. Home rule. The regulation and licensing of professional music therapists are exclusive powers and functions of the State. A home rule unit may not regulate or license professional music therapists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 180. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department shall not disclose the information to anyone other than law enforcement officials, regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee or registrant by the Department or any other complaint issued by the Department against a licensee, registrant, or applicant shall be a public record, except as otherwise prohibited by law.

Section 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. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Murphy, **Senate Bill No. 2243** 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	Curran	Lightford	Stadelman
Aquino	Feigenholtz	Loughran Cappel	Stoller
Bailey	Fine	Martwick	Syverson
Barickman	Fowler	McClure	Tracy
Belt	Gillespie	McConchie	Turner, D.
Bennett	Glowiak Hilton	Morrison	Turner, S.
Bryant	Harris	Muñoz	Van Pelt
Bush	Holmes	Murphy	Villa
Castro	Hunter	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Joyce	Plummer	Wilcox
Crowe	Koehler	Rose	Mr. President
Cunningham	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 Van Pelt, **Senate Bill No. 2952** 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	Curran	Lightford	Stadelman
Aquino	Feigenholtz	Loughran Cappel	Stoller
Bailey	Fine	Martwick	Syverson
Barickman	Fowler	McClure	Tracy
Belt	Gillespie	McConchie	Turner, D.
Bennett	Glowiak Hilton	Morrison	Turner, S.
Bryant	Harris	Muñoz	Van Pelt
Bush	Holmes	Murphy	Villa
Castro	Hunter	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Joyce	Plummer	Wilcox
Crowe	Koehler	Rose	Mr. President
Cunningham	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 Morrison, **Senate Bill No. 2969** 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 2969

AMENDMENT NO. 1 . Amend Senate Bill 2969 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x, 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51, and 356z.53 ~~and 356z.43~~ of the Illinois Insurance Code. The program of health benefits must comply with Sections 155.22a, 155.37, 355b, 356z.19, 370c, and 370c.1 and Article XXXIIB of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section with respect to Sections 370c and 370c.1 of the Illinois Insurance Code; all other requirements of this Section shall be enforced by the Department of Central Management Services.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20; 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised 10-26-21.)

Section 10. The Counties Code is amended by changing Section 5-1069.3 as follows:

(55 ILCS 5/5-1069.3)

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, and 356z.53 ~~and 356z.43~~ of the Illinois Insurance Code. The coverage shall comply with Sections 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised 10-26-21.)

Section 15. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:

(65 ILCS 5/10-4-2.3)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, and 356z.53 ~~and 356z.43~~ of the Illinois Insurance Code. The coverage shall comply with Sections 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised 10-26-21.)

Section 20. The School Code is amended by changing Section 10-22.3f as follows:

(105 ILCS 5/10-22.3f)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51, and 356z.53 ~~and 356z.43~~ of the Illinois Insurance Code. Insurance policies shall comply with Section 356z.19 of the Illinois Insurance Code. The coverage shall comply with Sections 155.22a, 355b, and 370c of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and

procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.
(Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised 10-27-21.)

Section 25. The Illinois Insurance Code is amended by adding Section 356z.53 as follows:
(215 ILCS 5/356z.53 new)
Sec. 356z.53. Coverage for continuous glucose monitors. A group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed on or after January 1, 2024 shall provide coverage for medically necessary continuous glucose monitors for individuals who are diagnosed with type 1 or type 2 diabetes and require insulin for the management of their diabetes.

Section 30. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:
(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)
Sec. 5-3. Insurance Code provisions.
(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2, 355.3, 355b, 356g.5-1, 356m, 356q, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33, 356z.35, 356z.36, 356z.40, 356z.41, 356z.43, 356z.46, 356z.47, 356z.48, 356z.50, 356z.51, 356z.53, 364, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the Illinois Insurance Code.
(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":
(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;
(2) a corporation organized under the laws of this State; or
(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.
(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,
(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;
(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;
(3) the Director shall have the power to require the following information:
(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;
(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;
(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and
(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(g) Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19; 101-281, eff. 1-1-20; 101-371, eff. 1-1-20; 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-34, eff. 6-25-21; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised 10-27-21.)

Section 35. The Limited Health Service Organization Act is amended by changing Section 4003 as follows:

(215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

Sec. 4003. Illinois Insurance Code provisions. Limited health service organizations shall be subject to the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 355.2, 355.3, 355b, 356q, 356v, 356z.10, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, ~~356z.43,~~ 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code. For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, limited health service organizations in the following categories are deemed to be domestic companies:

(1) a corporation under the laws of this State; or

(2) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a domestic company under Article VIII 1/2 of the Illinois Insurance Code.

(Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20; 101-393, eff. 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; revised 10-27-21.)

Section 40. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140, 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b, 356g, 356g.5, 356g.5-1, 356q, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33, 356z.40, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, ~~356z.43,~~ 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19; 101-281, eff. 1-1-20; 101-393, eff. 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised 10-27-21.)

Section 45. The Illinois Public Aid Code is amended by changing Section 5-16.8 as follows:

(305 ILCS 5/5-16.8)

Sec. 5-16.8. Required health benefits. The medical assistance program shall (i) provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356q, 356u, 356w, 356x, 356z.6, 356z.26, 356z.29, 356z.32, 356z.33, 356z.34, 356z.35, 356z.46, 356z.47, 356z.51, and 356z.53, ~~and 356z.43~~ of the Illinois Insurance Code, (ii) be subject to the provisions of Sections 356z.19, ~~356z.43,~~ 356z.44, 356z.49, 364.01, 370c, and 370c.1 of the Illinois Insurance Code, and (iii) be subject to the provisions of subsection (d-5) of Section 10 of the Network Adequacy and Transparency Act.

The Department, by rule, shall adopt a model similar to the requirements of Section 356z.39 of the Illinois Insurance Code.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

To ensure full access to the benefits set forth in this Section, on and after January 1, 2016, the Department shall ensure that provider and hospital reimbursement for post-mastectomy care benefits required under this Section are no lower than the Medicare reimbursement rate.

(Source: P.A. 101-81, eff. 7-12-19; 101-218, eff. 1-1-20; 101-281, eff. 1-1-20; 101-371, eff. 1-1-20; 101-574, eff. 1-1-20; 101-649, eff. 7-7-20; 102-30, eff. 1-1-22; 102-144, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-530, eff. 1-1-22; 102-642, eff. 1-1-22; revised 10-27-21.)".

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. 2969** 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	Curran	Lightford	Stadelman
Aquino	Feigenholtz	Loughran Cappel	Stoller
Bailey	Fine	Martwick	Syverson
Barickman	Fowler	McClure	Tracy
Belt	Gillespie	McConchie	Turner, D.
Bennett	Glowiak Hilton	Morrison	Turner, S.
Bryant	Harris	Muñoz	Van Pelt
Bush	Holmes	Murphy	Villa
Castro	Hunter	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Joyce	Plummer	Wilcox
Crowe	Koehler	Rose	Mr. President
Cunningham	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 Villivalam, **Senate Bill No. 2981** was recalled from the order of third reading to the order of second reading.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2981

AMENDMENT NO. 3 . Amend Senate Bill 2981 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Innovations for Transportation Infrastructure Act.

Section 5. Legislative policy.

(a) It is the public policy of the State of Illinois to promote the development of infrastructure projects that serve the needs of the public.

(b) The design-build project delivery method and Construction Manager/General Contractor project delivery method and use of Alternative Technical Concepts have the potential to capture private sector innovation and safely deliver infrastructure projects on more predictable schedules and budgets. Earlier completion and lower cost for projects are possible with the ability to shift or share risks with the private sector that are generally retained by the public in the conventional design-bid-build project delivery method.

(c) It is the intent of the General Assembly that the Department of Transportation and the Illinois State Toll Highway Authority may evaluate and use Alternative Technical Concepts proposed by bidders and proposers and to use the design-build project delivery method and Construction Manager/General Contractor project delivery method.

(d) It is the intent of this Act to use design professionals, construction companies, and workers from this State, reflecting the diversity of the State's businesses and workforce, to the greatest extent possible.

(e) Except as otherwise provided in this Act, the powers granted in this Act are in addition to any other powers authorized under applicable law.

Section 10. Definitions. As used in this Act:

"Alternative Technical Concepts" means a proposed deviation from the contract requirements set forth in the procurement documents for a transportation facility that offers a solution that is equal to or better than the requirements in the procurement documents.

"Authority" means the Illinois State Toll Highway Authority.

"Best value" means any selection process in which proposals contain both price and qualitative components and award is based upon a combination of price, qualitative concepts, and other factors.

"Chief procurement officer" means the chief procurement officer for the Transportation Agency.

"Construction Manager/General Contractor" means a proposer that has entered into a Construction Manager/General Contractor contract under this Act.

"Construction Manager/General Contractor contract" means a two-phase contract between the Transportation Agency and a Construction Manager/General Contractor that includes a first phase addressing preconstruction services and a second phase addressing the construction of the transportation facility.

"Construction Manager/General Contractor project delivery method" means a method of procurement and contracting that makes a Construction Manager/General Contractor who enters into a contract with the Transportation Agency responsible for certain preconstruction services and then, if the parties reach agreement on key terms, responsible for construction of the transportation facility.

"Department" means the Illinois Department of Transportation.

"Design-bid-build project delivery method" means the traditional method of procuring and contracting for design services and construction services used separately in this State that incorporates the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act and the principles of competitive bidding under the Illinois Procurement Code.

"Design-build contract" means a contract between the Transportation Agency and a design-builder under which the design-builder agrees to furnish architectural, surveying, engineering, construction, and related services for a transportation facility, and may include, but is not limited to, the progressive design-build project delivery method.

"Design-build project delivery method" means a method of procurement and contracting that provides responsibility within a single contract between the Transportation Agency and a design-builder for the furnishing of architectural, surveying, engineering, construction, and related services for a transportation facility.

"Design-builder" means a proposer that has entered into a design-build contract with the Transportation Agency under this Act.

"Evaluation Committee" means the committee assembled to evaluate and score statements of qualifications and proposals.

"Evaluation criteria" means the standards and requirements established by the Transportation Agency against which the qualifications and proposals of a proposer will be assessed during the procurement of a design-build contract or Construction Manager/General Contractor contract, as applicable.

"Executive Director" means the Executive Director of the Illinois State Toll Highway Authority.

"Metropolitan planning organization" means a metropolitan planning organization under 23 U.S.C. 134 whose metropolitan planning area boundaries are partially or completely within this State.

"Preconstruction services" means all non-construction-related services that a Construction Manager/General Contractor is required to perform during the first phase of a Construction Manager/General Contractor contract, and may include, but is not limited to, giving advice to the Transportation Agency regarding scheduling, work sequencing, cost engineering, constructability, cost estimating, and risk identification.

"Progressive design-build project delivery method" is a type of design-build project delivery method that consists of 2 phases, with the first phase including budget-level design development, preconstruction services, and negotiation of a contract price (either lump sum or guaranteed maximum price). After completion of the first phase, the second phase is begun. The second phase consists of final design, construction, and commissioning of the project.

"Proposal" means a proposer's response to a request for proposals.

"Proposer" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity legally established to conduct business in this State that proposes to be the design-builder or Construction Manager/General Contractor for any transportation facility under this Act.

"Qualifications" means a statement of qualifications submitted by a proposer in response to a request for qualifications.

"Request for proposals" means the document issued by the Transportation Agency to solicit proposals and describe the procurement process for a design-build contract or Construction Manager/General Contractor contract in accordance with the design-build project delivery method or the Construction Manager/General Contractor project delivery method, as applicable.

"Request for qualifications" means the document issued by the Transportation Agency in the first phase of a two-phase procurement to solicit qualifications from proposers in accordance with the design-build project delivery method or the Construction Manager/General Contractor project delivery method, as applicable.

"Scope and performance requirements" means the activities, constructed elements, and standards of performance the Transportation Agency requires the design-builder or the Construction Manager/General Contractor to comply with in the development of the transportation facility, and may include, but is not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, preliminary engineering, design, and other requirements as developed and determined by the Transportation Agency.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Transportation Agency" means the Illinois Department of Transportation or the Illinois State Toll Highway Authority.

"Transportation facility" means any new or existing facility or group of facilities that are the subject of a design-build contract or a Construction Manager/General Contractor contract, and includes highways, roads, bridges, tunnels, overpasses, bus ways, guideways, ferries, airports or other aviation facilities, public transportation facilities, vehicle parking facilities, port facilities, rail facilities, stations, hubs, terminals, intermodal facilities, transit facilities, or similar facilities used for the transportation of persons or goods, together with any buildings, structures, parking areas, appurtenances, intelligent transportation systems, and other property or facilities related to the operation or maintenance of these facilities.

Section 15. Authorization of project delivery methods.

(a) Notwithstanding any other law, and as authority supplemental to its existing powers, except as otherwise provided for in this Act, the Transportation Agency, in accordance with this Act, may use the design-build project delivery method for transportation facilities if the capital costs for transportation facilities delivered utilizing the design-build project delivery method or Construction Manager/General Contractor project delivery method or Alternative Technical Concepts in a design-bid-build project delivery method do not: (i) for transportation facilities delivered by the Department, exceed $400 million of contracts awarded during the Department's multi-year highway improvement program for any 5-year period; or (ii) for transportation facilities delivered by the Authority, exceed 20% of the Authority's annual improvement program. The Transportation Agency shall make this calculation before commencing the procurement. Notwithstanding any other law, and as authority supplemental to its existing powers, the Department, in accordance with this Act, may use the Construction Manager/General Contractor project delivery method for up to 2 transportation facilities per year. Before commencing a procurement under this Act for either a design-build contract or a Construction Manager/General Contractor contract, the Transportation Agency shall first undertake an analysis and make a written determination that it is in the best interests of this State to use the selected delivery method for that transportation facility. The analysis and determination shall discuss the design-build project delivery method or Construction Manager/General Contractor project delivery method's impact on the anticipated schedule, completion date, and project costs. The best interests of the State analysis shall be made available to the public.

(b) The Transportation Agency shall report to the General Assembly annually for the first 5 years after the effective date of this Act on the progress of procurements and transportation facilities procured under this Act.

(c) A contract entered into pursuant to the provisions of this Act are excepted from the Public Contract Fraud Act.

Section 20. Preconditions to commencement of procurement.

If the Transportation Agency determines to use the design-build project delivery method or the Construction Manager/General Contractor project delivery method for a particular transportation facility, the

Transportation Agency may not commence a procurement for the transportation facility until the Transportation Agency has satisfied the following requirements:

(1) the Transportation Agency does one of the following:

(A) the Transportation Agency includes the transportation facility in the Transportation Agency's respective multi-year highway improvement program and designates it as a design-build project delivery method project or Construction Manager/General Contractor project;

(B) the Transportation Agency issues a notice of intent to receive qualifications, that includes a description of the proposed procurement and transportation facility, at least 28 days before the issuance of the request for qualifications, and for a Department-issued notice of intent publishes the notice in the Illinois Transportation Procurement Bulletin and for an Authority-issued notice of intent publishes the notice in the Illinois Procurement Bulletin; or

(C) for a single-phase procurement authorized under subsection (a) of Section 25 of this Act, the Transportation Agency issues a notice of intent to receive proposals, that includes a description of the proposed procurement and transportation facility, at least 14 days before the issuance of the request for proposals, and for a Department-issued notice of intent publishes the notice in the Illinois Transportation Procurement Bulletin and for an Authority-issued notice of intent publishes the notice in the Illinois Procurement Bulletin; and

(2) the Transportation Agency uses its best efforts to ensure that the transportation facility is consistent with the regional plan in existence at the time of any metropolitan planning organization in which the boundaries of the transportation facility is located, or any other publicly-approved plan.

Section 25. Procurement process.

(a) The Transportation Agency may solicit a proposer with which to enter into a design-build contract or Construction Manager/General Contractor contract, as applicable, by using, without limitation, one or more requests for qualifications, a shortlisting of the most highly qualified proposers, requests for proposals, and negotiations. The Transportation Agency shall use a two-phase procurement for a design-build contract to select the successful proposer, except that the Transportation Agency may use a single-phase procurement if the transportation facility is estimated to cost less than $5,000,000 or the Secretary or the Executive Director makes a written determination that the Transportation Agency may use a single-phase procurement for a particular transportation facility. In a two-phase procurement, the Transportation Agency shall use the first phase to evaluate and shortlist the most highly qualified proposers based on a proposer's qualifications, and then use the second phase to evaluate and select a proposer based on proposals submitted by the shortlisted proposers. During the first phase of a two-phase procurement, the Transportation Agency shall not consider price proposals to make its shortlist decision. In a single-phase procurement, the Transportation Agency shall solicit proposers with a request for proposals, and shall evaluate and select a proposer based on those proposals.

(b) The request for qualifications may contain any terms deemed appropriate by the Transportation Agency including, without limitation, the following:

(1) a description of the anticipated scope of work for the transportation facility;

(2) a requirement that the proposer identify certain key personnel, and for design-build contracts certain key firms, the experience of the personnel and firms, and the conditions on which identified personnel and firms can be replaced;

(3) the evaluation criteria for the qualifications and the relative importance of those criteria; these evaluation criteria may address, without limitation, the proposer's technical and financial qualifications, such as specialized experience, technical competence, capability to perform, financial capacity, the proposer's workload, local office presence, past performance including the proposer's safety record and record of utilization of business enterprises, including disadvantaged business enterprises, and any other qualifications-based factors;

(4) the Transportation Agency's prequalification, licensing, and registration requirements, including any requirements from the Professional Engineering Practice Act of 1989, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, and the Illinois Professional Land Surveyor Act of 1989, except that nothing contained herein precludes the Transportation Agency's use of additional prequalification criteria or pass-fail evaluation factors addressing minimum levels of technical experience or financial capabilities;

(5) a requirement that the proposer provide references or contact information for persons who can attest to the past performance of the proposer, including with respect to successful project

delivery, subcontracting, labor relations, diverse business utilization, workforce diversity, and compliance with contract requirements;

(6) the maximum number of proposers the Transportation Agency will shortlist to submit proposals; and

(7) any other relevant information the Transportation Agency deems appropriate.

(c) Upon completion of the qualifications evaluation, the Transportation Agency shall, based on the evaluation criteria set forth in the request for qualifications, create a shortlist of the most highly qualified proposers. The Transportation Agency shall shortlist no more than 5 and no fewer than 2 of the most highly qualified proposers. Notwithstanding other provisions of this subsection (c), the Transportation Agency may shortlist fewer than 2 proposers if the Secretary or the Executive Director makes a finding that an emergency situation justifies the limited shortlisting and fewer than 2 proposers meet any applicable prequalification or pass-fail requirements set forth in the request for qualifications.

(d) The request for proposals may contain any terms deemed appropriate by the Transportation Agency including, without limitation, the following:

(1) the form and amount of required bid security;

(2) the terms of the design-build contract or Construction Manager/General Contractor contract, including, but not limited to, scope and performance requirements, schedule or completion date requirements, subcontractor requirements, payment and performance security requirements, and insurance requirements;

(3) the requirements for the technical component of the proposal, including a description of the level of design, scope and type of renderings, drawings, and specifications to be provided in the proposals;

(4) the requirements for the price component of the proposal, which for Construction Manager/General Contractor contracts may include a requirement for the proposer to submit a lump sum price for the direct costs to perform the required preconstruction services and percentage mark-up on those direct costs;

(5) the evaluation criteria for the proposals, including technical criteria, innovation, and schedule, and the relative importance of those criteria, as the Transportation Agency deems appropriate;

(6) a process for the Transportation Agency to review and accept Alternative Technical Concepts;

(7) requirements regarding utilization of business enterprises, including disadvantaged business enterprises, and workforce development, including a description of utilization and workforce diversity plans and certifications to be provided in the proposals for both design and construction phases;

(8) requirements regarding the proposer's qualifications; and

(9) any other relevant information the Transportation Agency deems appropriate.

(e) Before the proposers' submittal of proposals, the Transportation Agency may conduct confidential meetings and exchange confidential information with proposers to promote understanding of the request for proposals, review Alternative Technical Concepts, or discuss other issues related to the procurement.

(f) The date proposals are due must be at least 28 calendar days after the date the Transportation Agency first issues the request for proposals.

(g) The Transportation Agency may offer to pay a stipend in an amount and on the terms and conditions determined by the Transportation Agency and as set forth in the request for proposals to: (1) all shortlisted proposers if the Transportation Agency cancels the procurement after the proposals have been released, but before the due date for proposals; or (2) each unsuccessful proposer that submits a responsive proposal; or (3) each member of the proposer team that incurs costs in the preparation of the proposal. The Transportation Agency may pay a stipend only to those proposers who grant to the Transportation Agency the right to use any work product contained in the unsuccessful proposer's proposal and other proposal-related submissions or, if the Transportation Agency cancels the procurement after the proposals have been released, but before the due date for proposals, any work product developed before cancellation, including technologies, techniques, methods, processes, and information contained in the recipient's design for the transportation facility.

(h) The Transportation Agency shall, as appropriate depending on whether the transportation facility includes building facilities, directly employ or retain a professional engineer or engineers licensed in this State or a licensed architect or architects, or both engineers licensed in this State and licensed architects, to prepare the scope and assist in the evaluation of the proposals' technical submissions under a design-build

project delivery method. The professional engineers and licensed architects performing these services are precluded from participating in the procurement of the transportation facility at issue as a member of a proposer team.

(i) The Transportation Agency has the right to reject any and all qualifications or proposals, including, but not limited to, the right to reject any qualifications or proposals as non-responsive, if, in the Transportation Agency's sole discretion, the qualifications or proposals do not meet all material requirements of the request for qualifications or request for proposals, as appropriate. The Transportation Agency shall not consider a proposal that does not include:

(1) the proposer's plan to comply with requirements established by the Transportation Agency regarding utilization of business enterprises, including disadvantaged business enterprises; or

(2) bid security in the form and amount designated in the request for proposals.

(j) The Transportation Agency shall consult with the appropriate chief procurement officer on the design-build project delivery method and the Construction Manager/General Contractor project delivery method procurement processes, and the Secretary or the Executive Director, in consultation with the chief procurement officer, shall determine which procedures to adopt and apply to the design-build project delivery method and Construction Manager/General Contractor project delivery method procurement processes in order to ensure an open, transparent, and efficient process that accomplishes the purposes of this Act.

(k) To ensure taxpayer accountability, for any project with an estimated cost over $30,000,000, the Transportation Agency shall independently procure an owner's representative or construction manager to supplement staff directly employed by the Transportation Agency, provide design reviews, constructability reviews, construction acceptance, oversight of utility relocations, independent quality assurance surveys, independent material testing, documentation of construction, risk mitigation, and oversight of construction activities, including construction management, maintenance of traffic, permit compliance, and other services which may include: value engineering, stakeholder coordination, or public involvement management.

Section 30. Evaluation committee.

(a) The Transportation Agency shall establish one or more evaluation committees to assist in selecting a design-builder and a Construction Manager/General Contractor. The Transportation Agency, in its sole discretion, shall determine the appropriate size and composition of the evaluation committee; however, at least half of the committee must be licensed professional engineers.

(b) The Transportation Agency may establish an evaluation committee for a set term or for the procurement of a particular transportation facility.

(c) Once the Transportation Agency identifies the proposers for a transportation facility, each member of an evaluation committee must certify that no conflict of interest exists between the member and the proposers. If the Transportation Agency, after consultation with the chief procurement officer, determines that an actual conflict exists, the member shall not participate on the evaluation committee for that procurement and the Transportation Agency shall appoint a replacement member on either a permanent or a temporary basis.

Section 35. Procedures for selection.

(a) The Transportation Agency shall review, evaluate, score, and rank proposals and determine which proposal offers the best value to the public based on the evaluation criteria set forth in the request for proposals. The Transportation Agency shall award the contract based on this determination. Notwithstanding other provisions of this Section, if for any reason the proposer awarded the contract is unable or unwilling to execute the contract, including the failure of the proposer and the Transportation Agency to successfully complete negotiations, if any, of the contract, the Transportation Agency may award the contract to the proposer whose proposal the Transportation Agency determines offers the public the next best value.

(b) After a response to a request for qualifications or a request for proposals has been submitted as provided in Section 25, a design-builder shall not replace, remove, or otherwise modify any firm identified as a member of the proposer team unless authorized to do so by the Transportation Agency.

Section 40. Project records; confidentiality; public disclosure.

(a) The Transportation Agency shall maintain all written decisions, qualification and proposal evaluations, scoring documents, selection evaluations, proposals, and procurement documents in a procurement file maintained by the Transportation Agency.

(b) A proposer may identify those portions of a proposal or other submission that the proposer considers to be trade secrets or confidential, commercial, financial, or proprietary information. Confidential and proprietary information, including trade secrets, shall be exempt from disclosure only if the proposer does the following:

(1) requests exclusion from disclosure upon submission of the information or other materials for which protection is sought;

(2) identifies the data or other materials for which protection is sought;

(3) states the statutory or regulatory basis for the protection;

(4) fully complies with the federal Freedom of Information Act and any other applicable provisions of State law, including, but not limited to, the Freedom of Information Act, with respect to information the proposer contends should be exempt from disclosure; and

(5) certifies if the information is in accordance with the protection of the Illinois Trade Secrets Act.

(c) Notwithstanding any other provision of law, in order to properly balance the need to maximize competition under this Act with the need to create a transparent procurement process, the qualifications, proposals, and other information and documents submitted by proposers and the Transportation Agency's evaluation records shall not be subject to release or disclosure by the Transportation Agency until execution of the design-build contract or Construction Manager/General Contractor contract, as applicable. If the Transportation Agency terminates the procurement for a transportation facility, the exemption from release or disclosure under this Section shall remain in place until the Transportation Agency re-procures the transportation facility and has entered into a design-build contract or Construction Manager/General Contractor contract, as applicable. However, this exemption shall lapse if the Transportation Agency does not commence the re-procurement of the transportation facility within 5 years of the termination.

Section 45. Design-build contract. A design-build contract may include any provisions the Transportation Agency determines are necessary or appropriate, including, but not limited to, provisions regarding the following:

(1) compensation or payments to the design-builder;

(2) grounds for termination of the design-build contract, including the Transportation Agency's right to terminate for convenience;

(3) liability for damages and nonperformance;

(4) events of default and the rights and remedies available to the design-builder and the Transportation Agency in the event of a default or delay;

(5) the identification of any technical specifications that the design-builder must comply with when developing plans or performing construction work;

(6) the procedures for review and approval of the design-builder's plans;

(7) required performance and payment security;

(8) the terms and conditions of indemnification and minimum insurance requirements; and

(9) any other terms and conditions the Transportation Agency deems necessary.

Section 50. Construction Manager/General Contractor contract.

(a) The Construction Manager/General Contractor contract shall divide the Construction Manager/General Contractor services into 2 phases. The first phase shall address preconstruction services and the procedures the parties shall follow to finalize the contract terms for the second phase. The second phase shall address the Construction Manager/General Contractor's construction of the transportation facility for a lump sum or a guaranteed maximum price.

(b) A Construction Manager/General Contractor contract shall include provisions regarding the following:

(1) the Construction Manager/General Contractor's provision of preconstruction services during the first phase of the contract, including the Construction Manager/General Contractor's compensation for those services;

(2) a requirement that, during the first phase of the contract, the Construction Manager/General Contractor shall use a competitive bidding process to procure subcontracts for at least the minimum percentage of construction work specified in the request for proposals, provided that:

(A) compliance with this requirement shall be based on an estimated cost for the construction work approved by the Transportation Agency before the start of the competitive bidding process; and

(B) the Construction Manager/General Contractor may not use subcontracts with its wholly or partially owned subsidiaries, parent companies, or affiliates to satisfy this obligation;

(3) the process the Transportation Agency and the Construction Manager/General Contractor shall use to determine a lump sum or guaranteed maximum price for the construction work, including a requirement that the Transportation Agency conduct an independent cost estimate for the construction work; and

(4) grounds for termination of the Construction Manager/General Contractor contract, including the Transportation Agency's right to terminate the contract and not proceed with the construction phase of the project if the Transportation Agency and the Construction Manager/General Contractor are unable to negotiate a lump sum or guaranteed maximum price for the construction work.

(c) In addition to the provisions under subsection (b) of this Section, a Construction Manager/General Contractor contract may include any other provisions the Transportation Agency determines are necessary or appropriate, including, but not limited to, provisions regarding the following:

(1) liability for damages and nonperformance;

(2) events of default and the rights and remedies available to the Construction Manager/General Contractor and the Transportation Agency in the event of a default or delay;

(3) the identification of any technical specifications that the Construction Manager/General Contractor must comply with when aiding the Transportation Agency with developing plans or performing construction work;

(4) required performance and payment security for the construction phase of the contract;

(5) the terms and conditions of indemnification and minimum insurance requirements; and

(6) any other terms and conditions the Transportation Agency deems necessary.

(d) If the Construction Manager/General Contractor contract is terminated for any reason, the Transportation Agency, in its sole discretion, may readvertise the Construction Manager/General Contractor contract under this Act or use any other authorized procurement method to complete the transportation facility or any portion of the transportation facility. Once the contract is terminated, the Transportation Agency may use any work product developed by the Construction Manager/General Contractor to complete the transportation facility.

Section 55. Funding and financing.

(a) The Transportation Agency may use any lawful source of funding and financing to compensate a design-builder and Construction Manager/General Contractor for work and services performed under a design-build contract or Construction Manager/General Contractor contract, as applicable, and the Transportation Agency may combine federal, State, local, and private funds to finance a transportation facility. Any Transportation Agency that administers a construction program for which federal law or regulations establish standards and procedures for the utilization of minority-owned and women-owned businesses and disadvantaged businesses shall implement a disadvantaged business enterprise program to include minority-owned and women-owned businesses and disadvantaged businesses, using the federal standards and procedures for the establishment of goals and utilization procedures for the State-funded, as well as the federally assisted, portions of the program. In cases of federal funding or federally assisted projects, these goals shall not exceed those established pursuant to the relevant and applicable federal statutes or regulations.

(b) Subject to appropriation by the General Assembly of the required amounts, the Transportation Agency may obligate and make expenditures of funds as and when needed to satisfy its payment obligations under a design-build contract or Construction Manager/General Contractor contract.

Section 56. Utilization requirements.

(a) Design-builder and Construction Manager/General Contractor projects shall comply with Section 2-105 of the Illinois Human Rights Act and all applicable laws and rules that establish standards and procedures for the utilization of minority, disadvantaged, and women-owned businesses, including, but not

limited to, the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Any Transportation Agency that administers a construction program, for which federal law or regulations establish standards and procedures for the utilization of minority-owned and women-owned businesses and disadvantaged businesses shall implement a disadvantaged business enterprise program to include minority-owned and women-owned businesses and disadvantaged businesses, using the federal standards and procedures for the establishment of goals and utilization procedures for the State-funded, as well as the federally assisted, portions of the program. In cases of federal funding or federally assisted projects, these goals shall not exceed those established pursuant to the relevant and applicable federal statutes or regulations. Each design-build contract and Construction Manager/General Contractor contract shall include remedies for a contractor's failure to comply with commitments made in the proposal or utilization plan, including, without limitation, failure to cooperate in providing information regarding compliance or termination of any subcontractor identified in the utilization plan without the consent of the Transportation Agency. Such remedies may include termination of the contract, imposition of a penalty in an amount equivalent to any profit or cost savings accruing to the contractor as a result of the violation, withholding of payments, liquidated damages, disqualification from future bidding as non-responsible, or any other remedy available to the Transportation Agency at law or in equity.

(b) For the purposes of this Section, aspirational goals compliant with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and Disadvantaged Business Enterprise Program shall be established separately for construction-related professional services and shall be consistent with the Transportation Agency's methodology for design-bid-build contracts. As used in this Section, "construction-related professional services" means those services within the scope of the practice of architecture, professional engineering, structural engineering, or land surveying, as defined in the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Illinois Professional Land Surveyor Act of 1989, or the Illinois Structural Engineering Practice Act of 1989.

Section 57. Labor.

(a) A contract or agreement under this Act shall require the design-builder or Construction Manager/General Contractor, and all subcontractors, to comply with Section 30-22 of the Illinois Procurement Code as it applies to responsible bidders and to present satisfactory evidence of that compliance to the Transportation Agency, unless the transportation project is federally funded and the application of those requirements would jeopardize the receipt or use of federal funds in support of the transportation project.

(b) A contract or agreement under this Act shall require the design-builder or Construction Manager/General Contractor to enter into a project labor agreement used by the Transportation Agency.

(c) This Section does not apply to construction-related professional services. As used in this Section, "construction-related professional services" means those services within the scope of the practice of architecture, professional engineering, structural engineering, or land surveying, as defined in the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Illinois Professional Land Surveyor Act of 1989, or the Illinois Structural Engineering Practice Act of 1989.

Section 58. Disadvantaged business enterprise liaison. The Office of Business and Workforce Diversity established under Section 2705-593 of the Department of Transportation Law of the Civil Administrative Code of Illinois shall retain a staff member or consultant to act as a liaison of for outreach, monitoring, and compliance with the Department's Disadvantaged Business Enterprise Program consistent with all applicable federal rules governing the disadvantaged business enterprise process. The Department shall also determine attainable goals for projects using the new project delivery procurement methods, in accordance with federal regulations. The Department shall publish a quarterly report regarding projects sourced through new procurements methods that includes utilization goals and utilization achieved.

Section 60. Acquisition of property and related agreements. The Transportation Agency may exercise any and all powers of condemnation or eminent domain, including quick-take powers, to acquire lands or estates or interests in land for a transportation facility under this Act to the extent the Transportation Agency finds that the action serves the public purpose of this Act and deems the action appropriate in the exercise of its powers under this Act. In addition, the Transportation Agency and a design-builder or Construction Manager/General Contractor may enter into leases, licenses, easements, and other grants of property

interests that the Transportation Agency determines are necessary to deliver a transportation facility under this Act.

Section 65. Federal requirements. In the procurement of design-build contracts and Construction Manager/General Contractor contracts, the Transportation Agency shall, to the extent applicable, comply with federal law and regulations and take all necessary steps to adapt its rules, policies, and procedures to remain eligible for federal aid.

Section 70. Powers. The powers granted to the Transportation Agency under this Act, including the power to procure and enter into design-build contracts and Construction Manager/General Contractor contracts, shall be liberally construed to accomplish its purpose, are in addition to any existing powers of the Transportation Agency, and shall not affect or impair any other powers authorized under applicable law, except as otherwise provided for in this Act.

Section 75. Rulemaking.

(a) The Illinois Administrative Procedure Act applies to all administrative rules and procedures of the Transportation Agency under this Act, except that nothing in this Act shall be construed to render any prequalification or other responsibility criteria as a "license" or "licensing" under that Act.

(b) The appropriate chief procurement officer, in consultation with the Transportation Agency, may adopt rules to carry out the provisions of this Act.

Section 80. Repeal. This Act is repealed on July 1, 2032.

Section 905. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-233 as follows:

(20 ILCS 2705/2705-233 new)

Sec. 2705-233. Innovations for Transportation Infrastructure Act. The Department may exercise all powers granted to it under the Innovations for Transportation Infrastructure Act, including, but not limited to, the power to enter into all contracts or agreements necessary or incidental to the performance of its powers under that Act, and powers related to any transportation facility implemented under that Act.

Section 910. The Illinois Finance Authority Act is amended by adding Section 825-108 as follows:

(20 ILCS 3501/825-108 new)

Sec. 825-108. Transportation project financing. For the purpose of financing a transportation facility undertaken under the Innovations for Transportation Infrastructure Act, the Authority may apply for an allocation of tax-exempt bond financing authorization provided by subsection (m) of Section 142 of the United States Internal Revenue Code, as well as financing available under any other federal law or program.

Section 915. The Illinois Procurement Code is amended by adding Section 1-10.5 as follows:

(30 ILCS 500/1-10.5 new)

Sec. 1-10.5. Alternative Technical Concepts.

(a) For the purposes of this Section, "Alternative Technical Concepts" and "design-bid-build project delivery method" have the meanings ascribed to those terms in the Innovations for Transportation Infrastructure Act.

(b) Notwithstanding subsection (b) of Section 1-10 of this Code, the Department of Transportation may allow bidders and proposers to submit Alternative Technical Concepts in their bids and proposals, if the Department determines that the Alternative Technical Concepts provide an equal or better solution than the underlying technical requirements applicable to the work. Notwithstanding the foregoing, for projects the Department delivers using the design-bid-build project delivery method, the Department shall use the Alternative Technical Concepts process for no more than 3 projects per year. If the Department allows bidders or proposers for a particular contract to submit Alternative Technical Concepts, the Department shall describe the process for submission and evaluation of Alternative Technical Concepts in the procurement documents for that contract, including the potential use of confidential meetings and the exchange of confidential information with bidders and proposers to review and discuss potential or proposed Alternative Technical Concepts.

Section 920. The Public Construction Bond Act is amended by adding Section 1.9 as follows:

(30 ILCS 550/1.9 new)

Sec. 1.9. Design-build contracts and Construction Manager/General Contractor contracts. This Act applies to any design-build contract or Construction Manager/General Contractor contract entered into under the Innovations for Transportation Infrastructure Act.

Section 925. The Employment of Illinois Workers on Public Works Act is amended by adding Section 2.8 as follows:

(30 ILCS 570/2.8 new)

Sec. 2.8. Design-build and Construction Manager/General Contractor contracts. This Act applies to any design-build contracts and Construction Manager/General Contractor contracts entered into under the Innovations for Transportation Infrastructure Act.

Section 930. The Business Enterprise for Minorities, Women, and Persons with Disabilities Act is amended by adding Section 2.8 as follows:

(30 ILCS 575/2.8 new)

Sec. 2.8. Design-build and Construction Manager/General Contractor contracts. This Act applies to any design-build contracts and Construction Manager/General Contractor contracts entered into under the Innovations for Transportation Infrastructure Act.

Section 935. The Toll Highway Act is amended by adding Section 11.2 as follows:

(605 ILCS 10/11.2 new)

Sec. 11.2. Innovations for Transportation Infrastructure Act. The Authority may exercise all powers granted to it under the Innovations for Transportation Infrastructure Act, including, but not limited to, the power to enter into all contracts or agreements necessary to perform its powers under that Act, and any powers related to a transportation facility implemented under that Act.

Section 940. The Eminent Domain Act is amended by adding Section 15-5-48 as follows:

(735 ILCS 30/15-5-48 new)

Sec. 15-5-48. Eminent domain powers in new Acts. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

The Innovations for Transportation Infrastructure Act; for the purposes of constructing a transportation facility under the Act.

Section 945. The Prevailing Wage Act is amended by changing Section 2 as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions, including but not limited to: bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act; loans or other funds made available pursuant to the Build Illinois Act; loans or other funds made available pursuant to the Riverfront Development Fund under Section 10-15 of the River Edge Redevelopment Zone Act; or funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes (i) all projects financed in whole or in part with funds from the Environmental Protection Agency under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public

Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; ~~and~~ (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act; and (iv) all transportation facilities undertaken under a design-build contract or a Construction Manager/General Contractor contract under the Innovations for Transportation Infrastructure Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) and the construction of a new utility-scale solar power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act. "Public works" also includes electric vehicle charging station projects financed pursuant to the Electric Vehicle Act and renewable energy projects required to pay the prevailing wage pursuant to the Illinois Power Agency Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects performed by a third party contracted by any public utility, as described in subsection (a) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects that exceed 15 aggregate miles of new fiber optic cable, performed by a third party contracted by any public utility, as described in subsection (b) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

"Labor organization" means an organization that is the exclusive representative of an employer's employees recognized or certified pursuant to the National Labor Relations Act.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.
(Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21; 102-673, eff. 11-30-21; revised 12-9-21.)

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Villivalam, **Senate Bill No. 2981** 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	Curran	Lightford	Stadelman
Aquino	Feigenholtz	Loughran Cappel	Stoller
Bailey	Fine	Martwick	Syverson
Barickman	Fowler	McClure	Tracy
Belt	Gillespie	McConchie	Turner, D.
Bennett	Glowiak Hilton	Morrison	Turner, S.
Bryant	Harris	Muñoz	Van Pelt
Bush	Holmes	Murphy	Villa
Castro	Hunter	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Joyce	Plummer	Wilcox
Crowe	Koehler	Rose	Mr. President
Cunningham	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 Johnson, **Senate Bill No. 3073** 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. 2 TO SENATE BILL 3073

AMENDMENT NO. 2 . Amend Senate Bill 3073 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 22.59 and by adding Section 22.59a as follows:

(415 ILCS 5/22.59)

Sec. 22.59. CCR surface impoundments.

(a) The General Assembly finds that:

(1) the State of Illinois has a long-standing policy to restore, protect, and enhance the environment, including the purity of the air, land, and waters, including groundwaters, of this State;

(2) a clean environment is essential to the growth and well-being of this State;

(3) CCR generated by the electric generating industry has caused groundwater contamination and other forms of pollution at active and inactive plants throughout this State;

(4) environmental laws should be supplemented to ensure consistent, responsible regulation of all existing CCR surface impoundments; ~~and~~

(5) meaningful participation of State residents, especially vulnerable populations who may be affected by regulatory actions, is critical to ensure that environmental justice considerations are incorporated in the development of, decision-making related to, and implementation of environmental laws and rulemaking that protects and improves the well-being of communities in this State that bear disproportionate burdens imposed by environmental pollution; and ~~.~~

(6) the State places special emphasis on protecting the water quality of Lake Michigan, including the establishment of more stringent water quality standards for that body of water compared to water quality standards applicable for all other bodies of water throughout the State.

Therefore, the purpose of this Section is to promote a healthful environment, including clean water, air, and land, meaningful public involvement, and the responsible disposal and storage of coal combustion residuals, so as to protect public health and to prevent pollution of the environment of this State.

The provisions of this Section shall be liberally construed to carry out the purposes of this Section.

(b) No person shall:

(1) cause or allow the discharge of any contaminants from a CCR surface impoundment into the environment so as to cause, directly or indirectly, a violation of this Section or any regulations or standards adopted by the Board under this Section, either alone or in combination with contaminants from other sources;

(2) construct, install, modify, operate, or close any CCR surface impoundment without a permit granted by the Agency, or so as to violate any conditions imposed by such permit, any provision of this Section or any regulations or standards adopted by the Board under this Section;

(3) cause or allow, directly or indirectly, the discharge, deposit, injection, dumping, spilling, leaking, or placing of any CCR upon the land in a place and manner so as to cause or tend to cause a violation of this Section or any regulations or standards adopted by the Board under this Section; or

(4) construct, install, modify, or close a CCR surface impoundment in accordance with a permit issued under this Act without certifying to the Agency that all contractors, subcontractors, and installers utilized to construct, install, modify, or close a CCR surface impoundment are participants in:

(A) a training program that is approved by and registered with the United States Department of Labor's Employment and Training Administration and that includes instruction in erosion control and environmental remediation; and

(B) a training program that is approved by and registered with the United States Department of Labor's Employment and Training Administration and that includes instruction in the operation of heavy equipment and excavation.

Nothing in this paragraph (4) shall be construed to require providers of construction-related professional services to participate in a training program approved by and registered with the United States Department of Labor's Employment and Training Administration.

In this paragraph (4), "construction-related professional services" includes, but is not limited to, those services within the scope of: (i) the practice of architecture as regulated under the Illinois Architecture Practice Act of 1989; (ii) professional engineering as defined in Section 4 of the Professional Engineering Practice Act of 1989; (iii) the practice of a structural engineer as defined in Section 4 of the Structural Engineering Practice Act of 1989; or (iv) land surveying under the Illinois Professional Land Surveyor Act of 1989.

(c) (Blank).

(d) Before commencing closure of a CCR surface impoundment, in accordance with Board rules, the owner of a CCR surface impoundment must submit to the Agency for approval a closure alternatives analysis that analyzes all closure methods being considered and that otherwise satisfies all closure requirements adopted by the Board under this Act. Complete removal of CCR, as specified by the Board's rules, from the CCR surface impoundment must be considered and analyzed. Section 3.405 does not apply to the Board's rules specifying complete removal of CCR. The selected closure method must ensure compliance with regulations adopted by the Board pursuant to this Section.

(e) Owners or operators of CCR surface impoundments who have submitted a closure plan to the Agency before May 1, 2019, and who have completed closure prior to 24 months after July 30, 2019 (the

effective date of Public Act 101-171) shall not be required to obtain a construction permit for the surface impoundment closure under this Section.

(f) Except for the State, its agencies and institutions, a unit of local government, or not-for-profit electric cooperative as defined in Section 3.4 of the Electric Supplier Act, any person who owns or operates a CCR surface impoundment in this State shall post with the Agency a performance bond or other security for the purpose of: (i) ensuring closure of the CCR surface impoundment and post-closure care in accordance with this Act and its rules; and (ii) ensuring remediation of releases from the CCR surface impoundment. The only acceptable forms of financial assurance are: a trust fund, a surety bond guaranteeing payment, a surety bond guaranteeing performance, or an irrevocable letter of credit.

(1) The cost estimate for the post-closure care of a CCR surface impoundment shall be calculated using a 30-year post-closure care period or such longer period as may be approved by the Agency under Board or federal rules.

(2) The Agency is authorized to enter into such contracts and agreements as it may deem necessary to carry out the purposes of this Section. Neither the State, nor the Director, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any action taken under this Section.

(3) The Agency shall have the authority to approve or disapprove any performance bond or other security posted under this subsection. Any person whose performance bond or other security is disapproved by the Agency may contest the disapproval as a permit denial appeal pursuant to Section 40.

(g) The Board shall adopt rules establishing construction permit requirements, operating permit requirements, design standards, reporting, financial assurance, and closure and post-closure care requirements for CCR surface impoundments. Not later than 8 months after July 30, 2019 (the effective date of Public Act 101-171) the Agency shall propose, and not later than one year after receipt of the Agency's proposal the Board shall adopt, rules under this Section. The Board shall not be deemed in noncompliance with the rulemaking deadline due to delays in adopting rules as a result of the Joint Commission on Administrative Rules oversight process. The rules must, at a minimum:

(1) be at least as protective and comprehensive as the federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency in Subpart D of 40 CFR 257 governing CCR surface impoundments;

(2) specify the minimum contents of CCR surface impoundment construction and operating permit applications, including the closure alternatives analysis required under subsection (d);

(3) specify which types of permits include requirements for closure, post-closure, remediation and all other requirements applicable to CCR surface impoundments;

(4) specify when permit applications for existing CCR surface impoundments must be submitted, taking into consideration whether the CCR surface impoundment must close under the RCRA;

(5) specify standards for review and approval by the Agency of CCR surface impoundment permit applications;

(6) specify meaningful public participation procedures for the issuance of CCR surface impoundment construction and operating permits, including, but not limited to, public notice of the submission of permit applications, an opportunity for the submission of public comments, an opportunity for a public hearing prior to permit issuance, and a summary and response of the comments prepared by the Agency;

(7) prescribe the type and amount of the performance bonds or other securities required under subsection (f), and the conditions under which the State is entitled to collect moneys from such performance bonds or other securities;

(8) specify a procedure to identify areas of environmental justice concern in relation to CCR surface impoundments;

(9) specify a method to prioritize CCR surface impoundments required to close under RCRA if not otherwise specified by the United States Environmental Protection Agency, so that the CCR surface impoundments with the highest risk to public health and the environment, and areas of environmental justice concern are given first priority;

(10) define when complete removal of CCR is achieved and specify the standards for responsible removal of CCR from CCR surface impoundments, including, but not limited to, dust controls and the protection of adjacent surface water and groundwater; and

(11) describe the process and standards for identifying a specific alternative source of groundwater pollution when the owner or operator of the CCR surface impoundment believes that groundwater contamination on the site is not from the CCR surface impoundment.

(h) Any owner of a CCR surface impoundment that generates CCR and sells or otherwise provides coal combustion byproducts pursuant to Section 3.135 shall, every 12 months, post on its publicly available website a report specifying the volume or weight of CCR, in cubic yards or tons, that it sold or provided during the past 12 months.

(i) The owner of a CCR surface impoundment shall post all closure plans, permit applications, and supporting documentation, as well as any Agency approval of the plans or applications on its publicly available website.

(j) The owner or operator of a CCR surface impoundment shall pay the following fees:

(1) An initial fee to the Agency within 6 months after July 30, 2019 (the effective date of Public Act 101-171) of:

$50,000 for each closed CCR surface impoundment; and

$75,000 for each CCR surface impoundment that have not completed closure.

(2) Annual fees to the Agency, beginning on July 1, 2020, of:

$25,000 for each CCR surface impoundment that has not completed closure; and

$15,000 for each CCR surface impoundment that has completed closure, but has not completed post-closure care.

(k) All fees collected by the Agency under subsection (j) shall be deposited into the Environmental Protection Permit and Inspection Fund.

(l) The Coal Combustion Residual Surface Impoundment Financial Assurance Fund is created as a special fund in the State treasury. Any moneys forfeited to the State of Illinois from any performance bond or other security required under this Section shall be placed in the Coal Combustion Residual Surface Impoundment Financial Assurance Fund and shall, upon approval by the Governor and the Director, be used by the Agency for the purposes for which such performance bond or other security was issued. The Coal Combustion Residual Surface Impoundment Financial Assurance Fund is not subject to the provisions of subsection (c) of Section 5 of the State Finance Act.

(m) The provisions of this Section shall apply, without limitation, to all existing CCR surface impoundments and any CCR surface impoundments constructed after July 30, 2019 (the effective date of Public Act 101-171), except to the extent prohibited by the Illinois or United States Constitutions.

(n) This subsection only applies to an owner or operator of a facility that (i) has at least one CCR surface impoundment and (ii) is an electric generating plant located within 4,000 feet of Lake Michigan.

CCR in all CCR surface impoundments subject to this subsection, including CCR surface impoundments for which an adjusted standard has been sought pursuant to Section 28.1, shall be closed by removal and off-site disposal, pursuant to this Section, applicable Illinois Pollution Control Board regulations, and the following provisions:

(1) CCR surface impoundments under this subsection are not subject to the closure alternative analysis required under subsection (d).

(2) Notwithstanding any other requirements of this Section or Board rules or regulations, applications for closure construction subject to this subsection shall be submitted to the Agency within one year after the effective date of this amendatory Act of the 102nd General Assembly. Application requirements and permit issuance procedures shall follow those adopted by the Illinois Pollution Control Board under this Section.

(3) If the owner or operator of any CCR surface impoundment subject to this subsection has submitted a construction permit application to the Agency to close a subject CCR surface impoundment by any method other than removal under Part 845 of Title 35 of the Illinois Administrative Code, the owner or operator shall submit an amended construction permit application that complies with the requirements of this Section within one year after the effective date of this amendatory Act of 102nd General Assembly.

(4) Any permit issued by the Agency allowing a CCR surface impoundment subject to this subsection to close in place shall be declared void. The Agency shall not issue any operating permit or construction permit allowing closure in place to the owner or operator of any CCR surface impoundment subject to this subsection.

(Source: P.A. 101-171, eff. 7-30-19; 102-16, eff. 6-17-21; 102-137, eff. 7-23-21; 102-309, eff. 8-6-21; 102-558, eff. 8-20-21; 102-662, eff. 9-15-21; revised 10-14-21.)

(415 ILCS 5/22.59a new)

Sec. 22.59a. Great Lakes CCR protection.

(a) The General Assembly finds that:

(1) The State has a long-standing policy to restore, protect, and enhance the environment, and has a particular interest in preserving the quality of Lake Michigan, which serves as a drinking water source for millions of State residents and provides irreplaceable recreational, ecological, and economic value to Illinois.

(2) CCR generated by the electric generating industry has contaminated, and continues to contaminate, Lake Michigan, and CCR placed in unlined deposits, including deposits outside of CCR surface impoundments as well as in CCR surface impoundments, continues to threaten the quality of Lake Michigan's water.

(3) The purpose of this Section is to protect Lake Michigan against further contamination from CCR.

(b) This Section only applies to an owner or operator of a facility that (i) generates or has generated CCR that is not disposed of, treated, stored, or abandoned in a CCR surface impoundment and (ii) is an electric generating plant located within 4,000 feet of Lake Michigan.

(c) An owner or operator of a facility that is subject to this Section shall remove from the owner's or operator's site, for off-site disposal, all CCR generated by the facility and remediate all soil and groundwater impacted by the CCR, in accordance with the following:

(1) Within one year after the effective date of this amendatory Act of the 102nd General Assembly, the owner or operator shall conduct a site investigation and submit to the Agency a site investigation report that identifies the full extent of CCR at the site. The investigation and report shall also identify the full extent of soil and groundwater that, as a result of the CCR, exceeds the most stringent remediation objectives adopted under Title XVII of this Act.

(A) Within 5 days after submitting the report to the Agency, the owner or operator shall post public notice of the report's submission (i) on the owner or operator's website, along with a copy of the report for public viewing, and (ii) in a newspaper of general distribution in the municipality where the applicable electric generating plant is located. The notice shall be provided in English and Spanish and shall inform the public of their right to submit comments on the report to the Agency within 30 days after the date the notice is published in the newspaper. The owner or operator shall also maintain a copy of the report in a public repository in the municipality where the applicable electric generating plant is located for public viewing, which shall be identified in the public notice.

(B) Within 90 days after receipt of the site investigation report, the Agency shall determine whether the investigation and report complies with this paragraph (1). In making its determination, the Agency shall consider all public comments submitted within 30 days after the date of the newspaper notice required under subparagraph (A).

(C) If the Agency determines the investigation and report complies with this paragraph (1) it shall notify the owner or operator in writing of its determination. The owner or operator shall then submit a CCR removal and remediation plan in accordance with paragraph (2).

(D) If the Agency determines the investigation or report does not comply with this paragraph (1) it shall notify the owner or operator in writing of its determination and the reasons for the determination. The owner or operator shall then have 6 months to (i) perform additional investigation or correct any deficiencies and (ii) submit an amended site investigation report to the Agency, which shall be subject to the same submission and review procedures set forth in this paragraph (1).

(2) Within 6 months after the Agency's approval of the site investigation report, the owner or operator shall submit to the Agency a CCR removal and remediation plan that will achieve the removal of all CCR at the site and the remediation of all soil and groundwater that, as a result of the CCR, exceeds the most stringent remediation objectives adopted under Title XVII of this Act. The plan shall include a schedule for completion of its major milestones, along with the following:

(A) An analysis of the modes for transporting the removed CCR off-site, including by rail, barge, low-polluting trucks, or a combination of these transportation modes.

(B) Removal of CCR consistent with 35 Ill. Adm. Code 845.740 and 845.760.

(C) Within 5 days after submitting the plan to the Agency, the owner or operator shall post public notice of the plan's submission (i) on the owner or operator's website, along with a

copy of the plan for public viewing, and (ii) in a newspaper of general distribution in the municipality where the applicable electric generating plant is located. The notice shall be provided in English and Spanish and shall inform the public of their right to submit comments on the plan to the Agency within 30 days after the date the notice is published in the newspaper. The owner or operator shall also maintain a copy of the report in a public repository in the municipality where the applicable electric generating plant is located for public viewing, which shall be identified in the public notice.

(D) Within 90 days after receipt of the plan, the Agency shall determine whether the plan complies with this paragraph (2). In making its determination, the Agency shall consider all public comments submitted within 30 days after the date of the newspaper notice required under subparagraph (C).

(E) If the Agency determines the plan, with or without Agency modifications, complies with paragraph (2), it shall notify the owner or operator in writing of its determination. The owner or operator shall then proceed with implementation of the plan, including any modifications by the Agency, and submission of a removal and remediation report in accordance with paragraph (3).

(F) If the Agency determines the investigation or report does not comply with paragraph (2), it shall notify the owner or operator in writing of its determination and the reasons for the determination. The owner or operator shall then have 60 days to submit an amended plan to the Agency, which shall be subject to the same submission and review procedures set forth in subparagraphs (C) and (D).

(3) In accordance with a schedule approved by the Agency, the owner or operator shall implement the remediation plan and provide the Agency with updates on the plan's implementation. Upon completion of the plan, the owner or operator shall submit a completion report to the Agency.

(A) Within 5 days after submitting an update or the completion report to the Agency on plan implementation, the owner or operator shall post public notice of the report's submission (i) on the owner or operator's website, along with a copy of the report for public viewing, and (ii) in a newspaper of general distribution in the municipality where the applicable electric generating plant is located. The notice shall be provided in English and Spanish and shall inform the public of their right to submit comments on the report to the Agency within 30 days after the date the notice is published in the newspaper. The owner or operator shall also maintain a copy of the report in a public repository in the municipality where the applicable electric generating plant is located for public viewing, which shall be identified in the public notice.

(B) Within 90 days after receipt of the completion report, the Agency shall determine whether the removal and remediation has resulted in (i) the removal of all CCR at the site and (ii) the remediation of all soil and groundwater that, as a result of the CCR, exceeds the most stringent remediation objectives adopted under Title XVII of this Act. In making its determination, the Agency shall consider all public comments submitted within 30 days after the date of the newspaper notice required under subparagraph (A).

(C) If the Agency determines that the required removal and remediation is complete, it shall notify the owner or operator in writing of its determination.

(D) If the Agency determines that the required removal and remediation is not complete, it shall notify the owner or operator in writing of its determination and the reasons for the determination. The owner or operator shall then continue removal or remediation, and submit reports to the Agency, in accordance with a schedule established by the Agency. Reports shall be subject to the same submission and review procedures set forth in subparagraphs (A) and (B). If necessary, the owner or operator may amend the plan and submit it for review and approval in accordance with paragraph (2).

(d) Except for the State, its agencies and institutions, a unit of local government, or not-for-profit electric cooperative as defined in Section 3.4 of the Electric Supplier Act, an owner or operator shall post with the Agency a performance bond or other security for the purpose of ensuring removal and remediation in accordance with this Section. The only acceptable forms of financial assurance are the forms of financial assurance that are acceptable for CCR surface impoundments under Section 22.59.

(e) The Agency may enter into such contracts and agreements as it deems necessary to carry out the purposes of this Section. Neither the State, nor the Director of the Agency, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any action taken under this Section.

(f) The Agency may approve or disapprove any performance bond or other security posted under this Section. Any person whose performance bond or other security is disapproved by the Agency may contest the disapproval as a permit denial appeal pursuant to Section 40.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Johnson, **Senate Bill No. 3073** 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.

The following voted in the affirmative:

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

The following voted in the negative:

Anderson	Crowe	Plummer	Tracy
Bailey	Curran	Rose	Turner, S.
Barickman	Fowler	Stoller	Wilcox
Bryant	McClure	Syverson	

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

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

On motion of Senator Villivalam, **Senate Bill No. 3092** 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
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.	Plummer	Mr. President
Crowe	Joyce	Rose	
Cunningham	Koehler	Simmons	
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.

SENATE BILL RECALLED

On motion of Senator Connor, **Senate Bill No. 3096** 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 3096

AMENDMENT NO. 1 . Amend Senate Bill 3096 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 6-101.5 as follows:

(625 ILCS 5/6-101.5 new)

Sec. 6-101.5. Digital driver's licenses. The Secretary of State shall continue to monitor developments pertaining to digital driver's licenses and shall deliver a report to the General Assembly concerning these developments on or before December 31, 2022. The report shall include, but not be limited to: (1) advancements in technology standards necessary for the implementation of a digital driver's license; (2) production information on other states offering a digital driver's license to qualified drivers in their jurisdictions; and (3) advancements in the interoperability of digital driver's licenses.

This Section is repealed on January 1, 2024.

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 Connor, **Senate Bill No. 3096** 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	Martwick	Syverson
Aquino	Fine	McClure	Tracy
Bailey	Gillespie	McConchie	Turner, D.
Barickman	Glowiak Hilton	Morrison	Turner, S.
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.	Rose	Mr. President
Connor	Koehler	Simmons	
Crowe	Landek	Sims	
Cunningham	Lightford	Stadelman	
Curran	Loughran Cappel	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 Murphy, **Senate Bill No. 3106** 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	Martwick	Syverson
Aquino	Gillespie	McConchie	Tracy
Bailey	Glowiak Hilton	Morrison	Turner, D.
Barickman	Harris	Muñoz	Turner, S.
Belt	Holmes	Murphy	Van Pelt
Bryant	Hunter	Pacione-Zayas	Villa
Bush	Johnson	Peters	Villanueva
Castro	Jones, E.	Plummer	Villivalam
Crowe	Joyce	Rose	Wilcox
Cunningham	Koehler	Simmons	Mr. President
Curran	Landek	Sims	
Feigenholtz	Lightford	Stadelman	
Fine	Loughran Cappel	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.

Senator Hastings asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 3106**.

On motion of Senator Bush, **Senate Bill No. 3120** 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 38; NAYS 11.

The following voted in the affirmative:

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

The following voted in the negative:

Anderson	Bryant	Plummer	Turner, S.
Bailey	Fowler	Rose	Wilcox
Barickman	McConchie	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 Villanueva, **Senate Bill No. 3146** 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 34; NAYS 15.

The following voted in the affirmative:

Aquino	Fine	Landek	Sims
Belt	Gillespie	Lightford	Stadelman
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	

The following voted in the negative:

Anderson	Curran	Plummer	Tracy
Bailey	Fowler	Rose	Turner, S.
Barickman	McClure	Stoller	Wilcox
Bryant	McConchie	Syverson	

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

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

On motion of Senator Fine, **Senate Bill No. 3156** 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	Stoller
Aquino	Fine	Martwick	Syverson
Bailey	Fowler	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.	Plummer	Wilcox
Connor	Joyce	Rose	Mr. President
Crowe	Koehler	Simmons	
Cunningham	Landek	Sims	
Curran	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 Bennett, **Senate Bill No. 3157** 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	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	Pacione-Zayas	Villivalam
Collins	Johnson	Peters	Wilcox
Connor	Jones, E.	Plummer	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.

On motion of Senator Bennett, **Senate Bill No. 3179** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

On motion of Senator Belt, **Senate Bill No. 3184** 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; NAY 1.

The following voted in the affirmative:

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

Fine Loughran Cappel Stoller

The following voted in the negative:

Bryant

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 Syverson, **Senate Bill No. 3460** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3460

AMENDMENT NO. 3 . Amend Senate Bill 3460, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 1, lines 12 and 13, by replacing "of any offense involving a" with "any felony in"; and

on page 2, lines 1 and 2, by replacing "of any offense involving a" with "any felony in"; and

on page 2, line 17, by replacing "why not to place the elected official on administrative leave" with "why the elected official should not be placed on administrative leave"; and

on page 2, line 19, by replacing "or" with "or,"; and

on page 3, lines 1 and 2, by replacing "why not to place the elected official on administrative leave" with "why the elected official should not be placed on administrative leave"; and

on page 3, line 15, by replacing "office." with "office and shall be barred from county property and performing the official's duties until the case is closed and the county board determines the conflict is resolved."; and

on page 4, line 10, by replacing "of any offense involving a" with "any felony in"; and

on page 4, line 15, by replacing "of any offense involving a" with "any felony in"; and

on page 5, lines 3 and 4, by replacing "why not to place the elected official on administrative leave" with "why the elected official should not be placed on administrative leave"; and

on page 5, line 18, by replacing "office." with "office and shall be barred from township property and performing the official's duties until the case is closed and the township board determines the conflict is resolved.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Syverson, **Senate Bill No. 3460** 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	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.	Plummer	Wilcox
Connor	Joyce	Rose	Mr. President
Crowe	Koehler	Simmons	
Cunningham	Landek	Sims	
Curran	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 Joyce, **Senate Bill No. 3597** was recalled from the order of third reading to the order of second reading.

Senator Joyce offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3597

AMENDMENT NO. 1 . Amend Senate Bill 3597 by replacing everything after the enacting clause with the following:

"Section 5. The Director of Corrections, on behalf of the State of Illinois, is authorized to execute and deliver to the Village of Hopkins Park, organized and existing under the laws of the State of Illinois, of Kankakee County, State of Illinois, for and in consideration of $1 paid to the Department of Corrections, a quitclaim deed to the following real property:

Parcel Number 10-19-36-100-024, 16010 E 4500 RD S, Pembroke Township, IL 60958
Parcel Number 10-19-36-100-025, Pembroke Township, IL 60958
Parcel Number 10-19-36-100-026, Pembroke Township, IL 60958
Parcel Number 10-19-36-100-027, Pembroke Township, IL 60958

Section 10. The conveyance of real property authorized by Section 5 shall be made subject to: (1) existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants, and restrictions of record; and (2) the express condition that if the real property ceases to be used for public purposes, it shall revert to the State of Illinois, Department of Corrections.

Section 15. The Director of Corrections shall obtain a certified copy of this Act within 60 days after its effective date and, upon receipt of the payment required by Section 5, shall record the certified document in the Recorder's Office in the County in which the land is located.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 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 Joyce, **Senate Bill No. 3597** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

SENATE BILL RECALLED

On motion of Senator Connor, as chief co-sponsor pursuant to Senate Rule 5-1(b)(i), **Senate Bill No. 3613** was recalled from the order of third reading to the order of second reading.

Senator Ellman offered the following amendment and Senator Connor moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3613

AMENDMENT NO. 2 . Amend Senate Bill 3613, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 12, by deleting "and"; and

on page 3, by replacing lines 13 and 14 with the following:

"(20) the Chair of the Illinois Community College Board or his or her designee; and

(21) one member with knowledge of public safety, appointed by the State Fire Marshal.".

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 Connor, as chief co-sponsor pursuant to Senate Rule 5-1(b)(i), **Senate Bill No. 3613** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

On motion of Senator Bush, **Senate Bill No. 3626** 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	Pacione-Zayas	Villanueva

Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

On motion of Senator Villanueva, **Senate Bill No. 3634** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

On motion of Senator Lightford, **Senate Bill No. 3645** 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	Pacione-Zayas	Villanueva

Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

On motion of Senator Collins, **Senate Bill No. 3695** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

SENATE BILL RECALLED

On motion of Senator Koehler, **Senate Bill No. 3633** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3633

AMENDMENT NO. 2 . Amend Senate Bill 3633, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by adding Section 2.25 as follows:

(5 ILCS 140/2.25 new)

Sec. 2.25. Demolition, repair, enclosure, or remediation records. Demolition, repair, enclosure, or remediation records submitted to a county under Section 5-1121 of the Counties Code or a municipality under Section 11-31-1 of the Illinois Municipal Code are public records subject to inspection and copying in

accordance with the provisions of this Act; except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted by the public body prior to disclosure.

Section 10. The Counties Code is amended by changing Section 5-1121 as follows:

(55 ILCS 5/5-1121)

Sec. 5-1121. Demolition, repair, or enclosure.

(a) The county board of each county may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the county, but outside the territory of any municipality, and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. If a township within the county makes a formal request to the county board as provided in Section 85-50 of the Township Code that the county board commence specified proceedings under this Section with respect to property located within the township but outside the territory of any municipality, then, at the next regular county board meeting occurring at least 10 days after the formal request is made to the county board, the county board shall either commence the requested proceedings or decline to do so (either formally or by failing to commence the proceedings within 60 days after the request) and shall notify the township board making the request of the county board's decision. In any county having adopted, by referendum or otherwise, a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of any such county may upon a formal request by the city, village, or incorporated town demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having a population of less than 50,000.

The county board shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail to do so, have failed to commence proceedings to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed and the posting of such notice upon the premises sought to be demolished or repaired is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the demolition, repair, enclosure, or removal incurred by the county, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15 day notice period and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or removal, the county, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the county, the lien holder of record, or the intervenor. Upon payment of the cost and expense by the owner of or persons interested in the property after the notice of lien has been filed, the lien shall be released by the county, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (b), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the county, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus

statutory interest, are a lien on the real estate and are recoverable by the county from the owner or owners of the real estate.

All liens arising under this subsection (a) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (b).

If the appropriate official of any county determines that any dangerous and unsafe building or uncompleted and abandoned building within its territory fulfills the requirements for an action by the county under the Abandoned Housing Rehabilitation Act, the county may petition under that Act in a proceeding brought under this subsection.

(b) In any case where a county has obtained a lien under subsection (a), the county may enforce the lien under this subsection (b) in the same proceeding in which the lien is authorized.

A county desiring to enforce a lien under this subsection (b) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (b) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the county, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the county from the owner or owners of the real estate. If the court denies the petition, the county may enforce the lien in a separate action as provided in subsection (a).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (b), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(c) In addition to any other remedy provided by law, the county board of any county may petition the circuit court to have property declared abandoned under this subsection (c) if:

(1) the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;

(2) the property is unoccupied by persons legally in possession; and

(3) the property's condition impairs public health, safety, or welfare for reasons specified in the petition.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property, including publication in a newspaper that is in circulation in the county in which the action is pending. At least 30 days prior to any declaration of abandonment, the county or its agent shall post a notice not less than 1 foot by 1 foot in size on the front of the subject building or property. The notice shall be dated as of the date of the posting and state that the county is seeking a declaration of abandonment for the property. The notice shall also include the case number for the underlying circuit court petition filed pursuant to this subsection and a notification that the owner should file an appearance in the matter if the property is not abandoned.

The county, however, may proceed under this subsection in a proceeding brought under subsection (a). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (a).

If the county proves that the conditions described in this subsection exist and the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, the court shall declare the property abandoned.

If that determination is made, notice shall be sent by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust

having title to the property, stating that title to the property will be transferred to the county unless, within 30 days of the notice, the owner of record enters an appearance in the action, or unless any other person having an interest in the property files with the court a request to demolish any or all dangerous or unsafe buildings or to put the property in safe condition.

If the owner of record enters an appearance in the action within the 30 day period, the court shall vacate its order declaring the property abandoned. In that case, the county may amend its complaint in order to initiate proceedings under subsection (a).

If a request to demolish any or all dangerous or unsafe buildings or to otherwise put the property in safe condition is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the property to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of the highest priority.

If the requesting party proves to the court that the building has been demolished or put in a safe condition within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the county of all costs incurred by the county in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with property maintenance, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record.

If no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the property in safe condition within the time specified by the court, the county may petition the court to issue a judicial deed for the property to the county or another governmental body designated by the county in the petition. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens.

(d) Each county may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If the official designated to be in charge of enforcing the county's building code determines that a building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the county.

Not later than 30 days following the posting of the notice, the county shall do both of the following:

(1) Cause to be sent, by certified mail, return receipt requested, a notice to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the county to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(2) Cause to be published, in a newspaper published or circulated in the county where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the county intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

A person objecting to the proposed actions of the county board may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever

is later, the county board shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The county may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the county proceeds with any of the actions authorized by this subsection, any person has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the county, then the county shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the county to do so.

The county must maintain documentation submitted from a contractor on the disposal of any demolition debris, clean or general, or uncontaminated soil generated during the demolition, repair, or enclosure of a building for a period of 3 years identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycled, or treated. The documentation required by this paragraph does not apply to a permitted pollution control facility that transfers or accepts construction or demolition debris, clean or general, or uncontaminated soil for final disposal, recycling, or treatment.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the county may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the county in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the county; (iv) a statement by the official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the county as provided in subsection (a).

(e) In any case where a county has obtained a lien under subsection (a), the county may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure.

(f) In addition to any other remedy provided by law, if a county finds that within a residential property of 1 acre or less there is an accumulation or concentration of: garbage; organic materials in an active state of decomposition including, but not limited to, carcasses, food waste, or other spoiled or rotting materials; human or animal waste; debris; or other hazardous, noxious, or unhealthy substances or materials, which present an immediate threat to the public health or safety or the health and safety of the occupants of the property, the county may, without any administrative procedure to bond, petition the court for immediate injunctive relief to abate or cause the abatement of the condition that is causing the threat to health or safety, including an order causing the removal of any unhealthy or unsafe accumulations or concentrations of the material or items listed in this subsection from the structure or property. The county shall file with the circuit court in which the property is located a petition for an order authorizing the abatement of the condition that is causing the threat to health or safety. A hearing on the petition shall be set within 5 days, not including weekends or holidays, from the date of filing. To provide notice of such hearing, the county shall make every effort to serve the property's owners of record with the petition and summons and, if such service cannot be had, shall provide an affidavit to the court at the hearing showing the service could not be had and the efforts taken to locate and serve the owners of record. The county shall also post a sign at the property notifying all persons of the court proceeding. Following the abatement actions, the county may file a notice of lien for the cost and expense of actions taken under this subsection as provided in subsection (a).

(Source: P.A. 101-200, eff. 1-1-20; 102-363, eff. 1-1-22.)

Section 15. The Illinois Municipal Code is amended by changing Section 11-31-1 as follows:
(65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

Sec. 11-31-1. Demolition, repair, enclosure, or remediation.

(a) The corporate authorities of each municipality may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the municipality and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise those powers with regard to dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having less than 50,000 population.

The corporate authorities shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail so to do, have failed to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits. Any person entitled to bring an action under subsection (b) shall have the right to intervene in an action brought under this Section.

The cost of the demolition, repair, enclosure, or removal incurred by the municipality, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15 day notice period and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or removal, the municipality, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the municipality, the lien holder of record, or the intervenor. Upon payment of the cost and expense by the owner of or persons interested in the property after the notice of lien has been filed, the lien shall be released by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under this subsection (a) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

If the appropriate official of any municipality determines that any dangerous and unsafe building or uncompleted and abandoned building within its territory fulfills the requirements for an action by the municipality under the Abandoned Housing Rehabilitation Act, the municipality may petition under that Act in a proceeding brought under this subsection.

(b) Any owner or tenant of real property within 1200 feet in any direction of any dangerous or unsafe building located within the territory of a municipality with a population of 500,000 or more may file with the appropriate municipal authority a request that the municipality apply to the circuit court of the county in which the building is located for an order permitting the demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials from, or repair or enclosure of the building in the manner prescribed in subsection (a) of this Section. If the municipality fails to institute an action in circuit court within 90 days after the filing of the request, the owner or tenant of real property within 1200 feet in any direction of the building may institute an action in circuit court seeking an order compelling the owner or owners of record to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair or enclose or to cause to be demolished, have garbage, debris, and other noxious or unhealthy substances and materials removed from, repaired, or enclosed the building in question. A private owner or tenant who institutes an action under the preceding sentence shall not be required to pay any fee to the clerk of the circuit court. The cost of repair, removal, demolition, or enclosure shall be borne by the owner or owners of record of the building. In the event the owner or owners of record fail to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building within 90 days of the date the court entered its order, the owner or tenant who instituted the action may request that the court join the municipality as a party to the action. The court may order the municipality to demolish, remove materials from, repair, or enclose the building, or cause that action to be taken upon the request of any owner or tenant who instituted the action or upon the municipality's request. The municipality may file, and the court may approve, a plan for rehabilitating the building in question. A court order authorizing the municipality to demolish, remove materials from, repair, or enclose a building, or cause that action to be taken, shall not preclude the court from adjudging the owner or owners of record of the building in contempt of court due to the failure to comply with the order to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building.

If a municipality or a person or persons other than the owner or owners of record pay the cost of demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials, repair, or enclosure pursuant to a court order, the cost, including court costs, attorney's fees, and other costs related to the enforcement of this subsection, is recoverable from the owner or owners of the real estate and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, removal, demolition, or enclosure, the municipality or the person or persons who paid the costs of demolition, removal, repair, or enclosure shall file a notice of lien of the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice shall be in a form as is provided in subsection (a). An owner or tenant who institutes an action in circuit court seeking an order to compel the owner or owners of record to demolish, remove materials from, repair, or enclose any dangerous or unsafe building, or to cause that action to be taken under this subsection may recover court costs and reasonable attorney's fees for instituting the action from the owner or owners of record of the building. Upon payment of the costs and expenses by the owner of or a person interested in the property after the notice of lien has been filed, the lien shall be released by the municipality or the person in whose name the lien has been filed or his or her assignee, and the release may be filed of record as in the case of filing a notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under the terms of this subsection (b) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(c) In any case where a municipality has obtained a lien under subsection (a), (b), or (f), the municipality may enforce the lien under this subsection (c) in the same proceeding in which the lien is authorized.

A municipality desiring to enforce a lien under this subsection (c) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by

certified or registered mail, on all persons who were served notice under subsection (a), (b), or (f). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (c) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate. If the court denies the petition, the municipality may enforce the lien in a separate action as provided in subsection (a), (b), or (f).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (c), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(d) In addition to any other remedy provided by law, the corporate authorities of any municipality may petition the circuit court to have property declared abandoned under this subsection (d) if:

(1) the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;

(2) the property is unoccupied by persons legally in possession; and

(3) the property's condition impairs public health, safety, or welfare for reasons specified in the petition.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property, including publication in a newspaper that is in circulation in the county in which the action is pending. At least 30 days prior to any declaration of abandonment, the municipality or its agent shall post a notice not less than 1 foot by 1 foot in size on the front of the subject building or property. The notice shall be dated as of the date of the posting and state that the municipality is seeking a declaration of abandonment for the property. The notice shall also include the case number for the underlying circuit court petition filed pursuant to this subsection and a notification that the owner should file an appearance in the matter if the property is not abandoned.

The municipality, however, may proceed under this subsection in a proceeding brought under subsection (a) or (b). Notice of the petition shall be served in person or by certified or registered mail on all persons who were served notice under subsection (a) or (b).

If the municipality proves that the conditions described in this subsection exist and (i) the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, or (ii) if the owner of record or the beneficiary of a land trust, if title to the property is held by an Illinois land trust, enters an appearance and specifically waives his or her rights under this subsection (d), the court shall declare the property abandoned. Notwithstanding any waiver, the municipality may move to dismiss its petition at any time. In addition, any waiver in a proceeding under this subsection (d) does not serve as a waiver for any other proceeding under law or equity.

If that determination is made, notice shall be sent in person or by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the municipality unless, within 30 days of the notice, the owner of record or any other person having an interest in the property files with the court a request to demolish any or all dangerous or unsafe buildings or to put the building in safe condition, or unless the owner of record enters an appearance and proves that the owner does not intend to abandon the property.

If the owner of record enters an appearance in the action within the 30 day period, but does not at that time file with the court a request to demolish the dangerous or unsafe building or to put the property in safe condition, or specifically waive his or her rights under this subsection (d), the court shall vacate its order declaring the property abandoned if it determines that the owner of record does not intend to abandon the

property. In that case, the municipality may amend its complaint in order to initiate proceedings under subsection (a), or it may request that the court order the owner to demolish buildings or repair the dangerous or unsafe conditions of the property alleged in the petition or seek the appointment of a receiver or other equitable relief to correct the conditions at the property. The powers and rights of a receiver appointed under this subsection (d) shall include all of the powers and rights of a receiver appointed under Section 11-31-2 of this Code.

If a request to demolish or repair a building or property is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building or repair the property within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the owner of record if the owner filed a request or, if the owner did not, the person with the lien or other interest of the highest priority.

If the requesting party (other than the owner of record) proves to the court that the building has been demolished or put in a safe condition in accordance with the local safety codes within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the municipality of all costs incurred by the municipality in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with property maintenance, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record. If the requesting party is the owner of record and proves to the court that the building has been demolished or put in a safe condition in accordance with the local safety codes within the period of time granted by the court, the court shall dismiss the proceeding under this subsection (d).

If the owner of record has not entered an appearance and proven that the owner did not intend to abandon the property, and if no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the property in safe condition within the time specified by the court, the municipality may petition the court to issue a judicial deed for the property to the municipality or another governmental body designated by the municipality in the petition. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens, and shall extinguish the rights and interests of any and all holders of a bona fide certificate of purchase of the property for delinquent taxes. Any such bona fide certificate of purchase holder shall be entitled to a sale in error as prescribed under Section 21-310 of the Property Tax Code.

(e) Each municipality may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If a residential or commercial building is 3 stories or less in height as defined by the municipality's building code, and the corporate official designated to be in charge of enforcing the municipality's building code determines that the building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the municipality.

Not later than 30 days following the posting of the notice, the municipality shall do all of the following:

(1) Cause to be sent, by certified mail, return receipt requested, a Notice to Remediate to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the municipality to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(2) Cause to be published, in a newspaper published or circulated in the municipality where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and

continuing hazard to the community, and (iii) a statement that the municipality intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

(3) Cause to be recorded the Notice to Remediate mailed under paragraph (1) in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate is registered under the Registered Title (Torrens) Act.

Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The municipality may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the municipality proceeds with any of the actions authorized by this subsection, any person with a legal or equitable interest in the property has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the municipality, then the municipality shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the municipality to do so. If the court dismisses the action for want of prosecution, the municipality must send the objector a copy of the dismissal order and a letter stating that the demolition, repair, enclosure, or removal of garbage, debris, or other substances will proceed unless, within 30 days after the copy of the order and the letter are mailed, the objector moves to vacate the dismissal and serves a copy of the motion on the chief executive officer of the municipality. Notwithstanding any other law to the contrary, if the objector does not file a motion and give the required notice, if the motion is denied by the court, or if the action is again dismissed for want of prosecution, then the dismissal is with prejudice and the demolition, repair, enclosure, or removal may proceed forthwith.

The municipality must maintain documentation submitted from a contractor on the disposal of any demolition debris, clean or general, or uncontaminated soil generated during the demolition, repair, or enclosure of a building for a period of 3 years identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycled, or treated. The documentation required by this paragraph does not apply to a permitted pollution control facility that transfers or accepts construction or demolition debris, clean or general, or uncontaminated soil for final disposal, recycling, or treatment.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the municipality may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act; this lien has priority over the interests of those parties named in the Notice to Remediate mailed under paragraph (1), but not over the interests of third party purchasers or encumbrancers for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the municipality in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the municipality; (iv) a statement by the corporate official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the corporate official that the required sign was posted on the building, that notice was sent by

certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the municipality as provided in subsection (a).

(f) The corporate authorities of each municipality may remove or cause the removal of, or otherwise environmentally remediate hazardous substances and petroleum products on, in, or under any abandoned and unsafe property within the territory of a municipality. In addition, where preliminary evidence indicates the presence or likely presence of a hazardous substance or a petroleum product or a release or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under the property, the corporate authorities of the municipality may inspect the property and test for the presence or release of hazardous substances and petroleum products. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise the above-described powers with regard to property within the territory of any city, village, or incorporated town having less than 50,000 population.

For purposes of this subsection (f):

(1) "property" or "real estate" means all real property, whether or not improved by a structure;

(2) "abandoned" means;

(A) the property has been tax delinquent for 2 or more years;

(B) the property is unoccupied by persons legally in possession; and

(3) "unsafe" means property that presents an actual or imminent threat to public health and safety caused by the release of hazardous substances; and

(4) "hazardous substances" means the same as in Section 3.215 of the Environmental Protection Act.

The corporate authorities shall apply to the circuit court of the county in which the property is located (i) for an order allowing the municipality to enter the property and inspect and test substances on, in, or under the property; or (ii) for an order authorizing the corporate authorities to take action with respect to remediation of the property if conditions on the property, based on the inspection and testing authorized in paragraph (i), indicate the presence of hazardous substances or petroleum products. Remediation shall be deemed complete for purposes of paragraph (ii) above when the property satisfies Tier I, II, or III remediation objectives for the property's most recent usage, as established by the Environmental Protection Act, and the rules and regulations promulgated thereunder. Where, upon diligent search, the identity or whereabouts of the owner or owners of the property, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The court shall grant an order authorizing testing under paragraph (i) above upon a showing of preliminary evidence indicating the presence or likely presence of a hazardous substance or a petroleum product or a release of or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under abandoned property. The preliminary evidence may include, but is not limited to, evidence of prior use, visual site inspection, or records of prior environmental investigations. The testing authorized by paragraph (i) above shall include any type of investigation which is necessary for an environmental professional to determine the environmental condition of the property, including but not limited to performance of soil borings and groundwater monitoring. The court shall grant a remediation order under paragraph (ii) above where testing of the property indicates that it fails to meet the applicable remediation objectives. The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the inspection, testing, or remediation incurred by the municipality or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is a lien on the real estate; except that in any instances where a municipality incurs costs of inspection and testing but finds no hazardous substances or petroleum products on the property that present an actual or imminent threat to public health and safety, such costs are not recoverable from the owners nor are such costs a lien on the real estate. The lien is superior to all prior existing liens and encumbrances, except taxes and any lien obtained under subsection (a) or (e), if, within 180 days after the completion of the inspection, testing, or remediation, the municipality or the lien holder of record who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (i) a description of the real estate sufficient for its identification, (ii) the amount of money representing the cost and expense incurred, and (iii) the date or dates when the cost and expense was incurred by the municipality or the lien holder of record. Upon payment of the lien amount by the owner of or persons interested in the property after the notice of lien has been filed, a release of lien shall be issued by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien.

The lien may be enforced under subsection (c) or by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures; provided that where the lien is enforced by foreclosure under subsection (c) or under either statute, the municipality may not proceed against the other assets of the owner or owners of the real estate for any costs that otherwise would be recoverable under this Section but that remain unsatisfied after foreclosure except where such additional recovery is authorized by separate environmental laws. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate.

All liens arising under this subsection (f) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(g) In any case where a municipality has obtained a lien under subsection (a), the municipality may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure.
(Source: P.A. 102-363, eff. 1-1-22.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Koehler, **Senate Bill No. 3633** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

On motion of Senator Connor, as chief co-sponsor pursuant to Senate Rule 5-1(b)(i), **Senate Bill No. 3786** 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	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.	Plummer	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 Castro, **Senate Bill No. 3792** was recalled from the order of third reading to the order of second reading.

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

Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3792

AMENDMENT NO. 2 . Amend Senate Bill 3792 on page 27, immediately below line 13, by inserting the following:

"A State of Illinois High School Diploma is a recognized high school equivalency certificate for purposes of reciprocity with other states. A high school equivalency certificate from another state is equivalent to a State of Illinois High School Diploma.".

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 Castro, **Senate Bill No. 3792** 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	Turner, S.
Bryant	Hastings	Muñoz	Van Pelt
Bush	Holmes	Murphy	Villa
Castro	Hunter	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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 Hunter, **Senate Bill No. 3832** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3832

AMENDMENT NO. 1 . Amend Senate Bill 3832 on page 79, immediately below line 6, by inserting the following:

"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 Hunter, **Senate Bill No. 3832** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

SENATE BILL RECALLED

On motion of Senator Villivalam, **Senate Bill No. 3848** was recalled from the order of third reading to the order of second reading.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3848

AMENDMENT NO. 2 . Amend Senate Bill 3848, AS AMENDED, on page 1, line 20, after the period, by inserting "In developing the report, the vision, principles, and recommendations of the Authority's strategic plan required by Section 2.01a shall be considered."; and

on page 2, line 5, after the period, by inserting "The report shall be adopted by the MPO Policy Committee prior to submission to the Governor and General Assembly.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Villivalam, **Senate Bill No. 3848** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

On motion of Senator Hastings, **Senate Bill No. 3866** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 39; NAYS 14.

The following voted in the affirmative:

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

The following voted in the negative:

Anderson	Fowler	Rose	Turner, S.
Bailey	McClure	Stoller	Wilcox
Barickman	McConchie	Syverson	
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.

On motion of Senator Lightford, **Senate Bill No. 3902** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

SENATE BILL RECALLED

On motion of Senator Loughran Cappel, **Senate Bill No. 3914** 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. 1 TO SENATE BILL 3914

AMENDMENT NO. 1 . Amend Senate Bill 3914 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 24-6 as follows:

(105 ILCS 5/24-6)

Sec. 24-6. Sick leave. The school boards of all school districts, including special charter districts, but not including school districts in municipalities of 500,000 or more, shall grant their full-time teachers, and also shall grant such of their other employees as are eligible to participate in the Illinois Municipal Retirement Fund under the "600-Hour Standard" established, or under such other eligibility participation standard as may from time to time be established, by rules and regulations now or hereafter promulgated by the Board of that Fund under Section 7-198 of the Illinois Pension Code, as now or hereafter amended, sick leave provisions not less in amount than 10 days at full pay in each school year. If any such teacher or employee does not use the full amount of annual leave thus allowed, the unused amount shall be allowed to accumulate to a minimum available leave of 180 days at full pay, including the leave of the current year. Sick leave shall be interpreted to mean personal illness, mental or behavioral health complications, quarantine at home, or serious illness or death in the immediate family or household. The school board may require a certificate from a physician licensed in Illinois to practice medicine and surgery in all its branches, a mental health professional licensed in Illinois providing ongoing care or treatment to the teacher or employee, a chiropractic physician licensed under the Medical Practice Act of 1987, a licensed advanced practice registered nurse, a licensed physician assistant, or, if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the teacher's or employee's faith as a basis for pay during leave after an absence of 3 days for personal illness or as the school board may deem necessary in other cases. If the school board does require a certificate as a basis for pay during leave of less than 3 days for personal illness,

the school board shall pay, from school funds, the expenses incurred by the teachers or other employees in obtaining the certificate.

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

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

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

AMENDMENT NO. 2 TO SENATE BILL 3914

AMENDMENT NO. 2 . Amend Senate Bill 3914, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 5, after "24-6" by inserting "and by adding Section 34-18.78"; and

on page 4, immediately below line 15, by inserting the following:

"(105 ILCS 5/34-18.78 new)

Sec. 34-18.78. Sick leave; mental or behavioral health complications. In addition to any interpretation or definition included in a collective bargaining agreement or board of education or district policy, sick leave, or its equivalent, to which a teacher or other eligible employee is entitled shall be interpreted to include mental or behavioral health complications. Unless contrary to a collective bargaining agreement or board of education or district policy, the board may require a certificate from a mental health professional licensed in Illinois providing ongoing care or treatment to the teacher or employee as a basis for pay during leave after an absence of 3 days for mental or behavioral health complications.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Loughran Cappel, **Senate Bill No. 3914** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

SENATE BILL RECALLED

On motion of Senator Syverson, **Senate Bill No. 3954** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3954

AMENDMENT NO. 2 . Amend Senate Bill 3954 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 16-132 and 16-203 as follows:

(40 ILCS 5/16-132) (from Ch. 108 1/2, par. 16-132)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 16-132. Retirement annuity eligibility. A member who has at least 20 years of creditable service is entitled to a retirement annuity upon or after attainment of age 55. A member who has at least 10 but less than 20 years of creditable service is entitled to a retirement annuity upon or after attainment of age 60. A member who has at least 5 but less than 10 years of creditable service is entitled to a retirement annuity upon or after attainment of age 62. A member who (i) has earned during the period immediately preceding the last day of service at least one year of contributing creditable service as an employee of a department as defined in Section 14-103.04, (ii) has earned at least 5 years of contributing creditable service as an employee of a department as defined in Section 14-103.04, and (iii) retires on or after January 1, 2001 is entitled to a retirement annuity upon or after attainment of an age which, when added to the number of years of his or her total creditable service, equals at least 85. Portions of years shall be counted as decimal equivalents.

A member who is eligible to receive a retirement annuity of at least 74.6% of final average salary and will attain age 55 on or before December 31 during the year which commences on July 1 shall be deemed to attain age 55 on the preceding June 1.

A member meeting the above eligibility conditions is entitled to a retirement annuity upon written application to the board setting forth the date the member wishes the retirement annuity to commence. However, the effective date of the retirement annuity shall be no earlier than the day following the last day of creditable service, regardless of the date of official termination of employment; except that the effective date of a retirement annuity may be after the date of official termination of employment as long as such employment is for (1) less than 10 days in length and (2) less than $2,000 in compensation.

To be eligible for a retirement annuity, a member shall not be employed as a teacher in the schools included under this System or under Article 17, except (i) as provided in Section 16-118 or 16-150.1, (ii) if the member is disabled (in which event, eligibility for salary must cease), or (iii) if the System is required by federal law to commence payment due to the member's age; the changes to this sentence made by this amendatory Act of the 93rd General Assembly apply without regard to whether the member terminated employment before or after its effective date.

(Source: P.A. 93-320, eff. 7-23-03.)

(40 ILCS 5/16-203)

Sec. 16-203. Application and expiration of new benefit increases.

(a) As used in this Section, "new benefit increase" means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this Article, that results from an amendment to this Code that takes effect after June 1, 2005 (the effective date of Public Act 94-4). "New benefit increase", however, does not include any benefit increase resulting from the changes made to Article 1 or this Article by Public Act 95-910, Public Act 100-23, Public Act 100-587, Public Act 100-743, Public Act 100-769, Public Act 101-10, ~~or~~ Public Act 101-49, Public Act 102-16, or this amendatory Act of the 102nd General Assembly ~~this amendatory Act of the 102nd General Assembly~~.

(b) Notwithstanding any other provision of this Code or any subsequent amendment to this Code, every new benefit increase is subject to this Section and shall be deemed to be granted only in conformance with and contingent upon compliance with the provisions of this Section.

(c) The Public Act enacting a new benefit increase must identify and provide for payment to the System of additional funding at least sufficient to fund the resulting annual increase in cost to the System as it accrues.

Every new benefit increase is contingent upon the General Assembly providing the additional funding required under this subsection. The Commission on Government Forecasting and Accountability shall analyze whether adequate additional funding has been provided for the new benefit increase and shall report its analysis to the Public Pension Division of the Department of Insurance. A new benefit increase created by a Public Act that does not include the additional funding required under this subsection is null and void. If the Public Pension Division determines that the additional funding provided for a new benefit increase under this subsection is or has become inadequate, it may so certify to the Governor and the State Comptroller and, in the absence of corrective action by the General Assembly, the new benefit increase shall expire at the end of the fiscal year in which the certification is made.

(d) Every new benefit increase shall expire 5 years after its effective date or on such earlier date as may be specified in the language enacting the new benefit increase or provided under subsection (c). This does not prevent the General Assembly from extending or re-creating a new benefit increase by law.

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including, without limitation, a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

(Source: P.A. 101-10, eff. 6-5-19; 101-49, eff. 7-12-19; 101-81, eff. 7-12-19; 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; revised 10-15-21.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the 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 Syverson, **Senate Bill No. 3954** 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	Pacione-Zayas	Villanueva
Collins	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	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.

On motion of Senator Bush, **Senate Bill No. 3024** 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	Fine	Loughran Cappel	Syverson
Aquino	Fowler	Martwick	Tracy
Bailey	Gillespie	McClure	Turner, D.
Barickman	Glowiak Hilton	McConchie	Turner, S.
Belt	Harris	Murphy	Van Pelt
Bryant	Hastings	Pacione-Zayas	Villa
Bush	Hunter	Peters	Villanueva
Castro	Johnson	Plummer	Villivalam
Collins	Jones, E.	Rose	Wilcox
Connor	Joyce	Simmons	Mr. President
Crowe	Koehler	Sims	
Cunningham	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.

At the hour of 12:33 o'clock p.m., Senator Holmes, presiding.

On motion of Senator Cunningham, **Senate Bill No. 2973** 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	Landek	Stadelman
Aquino	Fine	Lightford	Stoller
Bailey	Fowler	Loughran Cappel	Syverson
Barickman	Gillespie	Martwick	Tracy
Belt	Glowiak Hilton	McClure	Turner, D.
Bennett	Harris	McConchie	Turner, S.
Bryant	Hastings	Morrison	Van Pelt
Bush	Holmes	Muñoz	Villa
Castro	Hunter	Murphy	Villanueva
Connor	Johnson	Pacione-Zayas	Villivalam
Crowe	Jones, E.	Rose	Wilcox
Cunningham	Joyce	Simmons	Mr. President
Curran	Koehler	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.

At the hour of 12:36 o'clock p.m., Senator Cunningham, presiding.

On motion of Senator Hastings, **Senate Bill No. 3036** 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	Stoller
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	Pacione-Zayas	Villivalam
Collins	Johnson	Peters	Wilcox
Connor	Jones, E.	Rose	Mr. President

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.

At the hour of 12:38 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 12:45 o'clock p.m., the Senate resumed consideration of business.
Senator Cunningham, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its February 25, 2022 meeting, reported that the following Legislative Measures have been approved for consideration:

Floor Amendment No. 5 to Senate Bill 1633
Floor Amendment No. 2 to Senate Bill 3082
Floor Amendment No. 4 to Senate Bill 4028

The foregoing floor amendments were placed on the Secretary's Desk.

Senator Lightford, Chair of the Committee on Assignments, during its February 25, 2022 meeting, to which was referred **Senate Bill No. 1234** on May 31, 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. 1234** 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 1234

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its February 25, 2022 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 1 to Senate Bill 1234

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

SENATE BILL RECALLED

On motion of Senator Villa, **Senate Bill No. 1633** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 4 was held in the Committee on Assignments.

Senator Villa offered the following amendment and moved its adoption:

AMENDMENT NO. 5 TO SENATE BILL 1633

AMENDMENT NO. 5 . Amend Senate Bill 1633, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Nursing Home Care Act is amended by changing Sections 2-101, 2-112, 2-113, and 3-209 as follows:

(210 ILCS 45/2-101) (from Ch. 111 1/2, par. 4152-101)

Sec. 2-101. No resident shall be deprived of any rights, benefits, or privileges guaranteed by State or federal law, the Constitution of the State of Illinois, or the Constitution of the United States solely on account of his or her status as a resident of a facility. Residents shall have the right to be treated with courtesy and respect by employees or persons providing medical services or care and shall have their human and civil rights maintained in all aspects of medical care as defined in the State Operations Manual for Long-Term Care Facilities. In accordance with 42 CFR 483.10, residents shall have their basic human needs, including, but not limited to, water, food, medication, toileting, and personal hygiene, accommodated in a timely manner, as defined by the person and agreed upon by the interdisciplinary team. Residents have the right to maintain their autonomy as much as possible.

(Source: P.A. 81-223.)

(210 ILCS 45/2-112) (from Ch. 111 1/2, par. 4152-112)

Sec. 2-112. A resident shall be permitted to present grievances on behalf of himself or others to the administrator, the Long-Term Care Facility Advisory Board, the residents' advisory council, State governmental agencies, or other persons of the resident's choice, free from restraint, interference, coercion, or discrimination and without threat of discharge or reprisal in any form or manner whatsoever. Every facility licensed under this Act shall have a written internal grievance procedure that, at a minimum:

(1) sets forth the process to be followed;

(2) specifies time limits, including time limits for facility response;

(3) informs residents of their right to have the assistance of an advocate;

(4) provides for a timely response within 25 days by an impartial and nonaffiliated third party, including, but not limited to, the Long-Term Care Ombudsman, if the grievance is not otherwise resolved by the facility;

(5) requires the facility to follow applicable State and federal requirements for responding to and reporting any grievance alleging potential abuse, neglect, misappropriation of resident property, or exploitation; and

(6) requires the facility to keep a copy of all grievances, responses, and outcomes for 3 years and provide the information to the Department upon request.

In accordance with F574 of the State Operations Manual for Long-Term Care Facilities, the administrator shall provide all residents or their representatives upon admission and at request with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged in language the resident can understand, which must include notice of the grievance procedure of the facility or program and addresses and phone numbers for the Office of Health Care Regulation and the Long-Term Care Ombudsman Program. ~~The administrator shall provide all residents or their representatives with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged.~~

(Source: P.A. 81-223.)

(210 ILCS 45/2-113) (from Ch. 111 1/2, par. 4152-113)

Sec. 2-113. A resident may refuse to perform labor for a facility. Residents shall not perform labor or services for the facility unless consistent with F566 of the State Operations Manual for Long-Term Care Facilities. The activities must be included for therapeutic purposes and be appropriately goal related to the

individual's care plan. If a resident chooses to perform labor or services, the resident must be compensated at or above the prevailing wage rate.
(Source: P.A. 81-223.)

(210 ILCS 45/3-209) (from Ch. 111 1/2, par. 4153-209)

Sec. 3-209. Required posting of information.

(a) Every facility shall conspicuously post for display in an area of its offices accessible to residents, employees, and visitors the following:

(1) Its current license;

(2) A description, provided by the Department, of complaint procedures established under this Act and the name, address, and telephone number of a person authorized by the Department to receive complaints;

(3) A copy of any order pertaining to the facility issued by the Department or a court; ~~and~~

(4) A list of the material available for public inspection under Section 3-210; ~~.~~

(5) Phone numbers and websites for rights protection services must be posted in common areas and at the main entrance and provided upon entry and at the request of residents or the resident's representative in accordance with 42 CFR 483.10(j)(4); and

(6) The statement "The Illinois Long-Term Care Ombudsman Program is a free resident advocacy service available to the public.".

In accordance with F574 of the State Operations Manual for Long-Term Care Facilities, the administrator shall post for all residents and at the main entrance the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged in language the resident can understand, which must include notice of the grievance procedure of the facility or program as well as addresses and phone numbers for the Office of Health Care Regulation and the Long-Term Care Ombudsman Program and a website showing the information of a facility's ownership. The facility shall include a link to the Long-Term Care Ombudsman Program's website on the home page of the facility's website.

(b) A facility that has received a notice of violation for a violation of the minimum staffing requirements under Section 3-202.05 shall display, during the period of time the facility is out of compliance, a notice stating in Calibri (body) font and 26-point type in black letters on an 8.5 by 11 inch white paper the following:

"Notice Dated: .....
This facility does not currently meet the minimum staffing ratios required by law. Posted at the direction of the Illinois Department of Public Health.".

The notice must be posted, at a minimum, at all publicly used exterior entryways into the facility, inside the main entrance lobby, and next to any registration desk for easily accessible viewing. The notice must also be posted on the main page of the facility's website. The Department shall have the discretion to determine the gravity of any violation and, taking into account mitigating and aggravating circumstances and facts, may reduce the requirement of, and amount of time for, posting the notice.
(Source: P.A. 101-10, eff. 6-5-19.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 5 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 Villa, **Senate Bill No. 1633** 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 50; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Landek	Sims
Bailey	Fine	Lightford	Stadelman
Barickman	Fowler	Loughran Cappel	Stoller
Belt	Gillespie	Martwick	Syverson
Bennett	Glowiak Hilton	McClure	Tracy
Bryant	Harris	McConchie	Turner, D.
Bush	Hastings	Morrison	Turner, S.
Castro	Holmes	Muñoz	Van Pelt
Collins	Hunter	Murphy	Villa
Connor	Johnson	Pacione-Zayas	Villanueva
Crowe	Jones, E.	Plummer	Mr. President
Cunningham	Joyce	Rose	
Curran	Koehler	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 Stadelman, **Senate Bill No. 3082** was recalled from the order of third reading to the order of second reading.

Senator Stadelman offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3082

AMENDMENT NO. 1 . Amend Senate Bill 3082 on page 1, immediately below line 3, by inserting the following:

"Section 3. The High-Speed Railway Commission Act is amended by changing Section 5 as follows:
(20 ILCS 4102/5)
(Section scheduled to be repealed on January 1, 2027)
Sec. 5. Commission created; membership.
(a) There is created the High-Speed Railway Commission to carry out the duties set forth in Section 10.
(b) The Commission shall be composed of the following members:
(1) The Governor or his or her designee.
(2) The President of the Senate or his or her designee.
(3) The Minority Leader of the Senate or his or her designee.
(4) The Speaker of the House or his or her designee.
(5) The Minority Leader of the House or his or her designee.
(6) The Secretary of Transportation or his or her designee.
(7) The Chairperson of the Illinois State Toll Highway Authority or his or her designee.
(8) The Chairperson of the Illinois Commerce Commission or his or her designee.
(9) The Chairperson of the Board of Directors of Metra or his or her designee.
(10) The Mayor of the City of Chicago or his or her designee.
(11) A representative of a labor organization representing rail workers, appointed by the Governor.
(12) A representative of a trade organization related to the rail industry, appointed by the Governor.
(13) A representative of the Metropolitan Mayors and Managers Association, appointed by the Governor.

(14) A representative from the Illinois Railroad Association, appointed by the Governor.

(15) A representative from the University of Illinois System, appointed by the Governor.

(16) A representative from the Chicago Metropolitan Agency for Planning, appointed by the Governor.

(17) A representative of the Illinois Municipal League, appointed by the Governor.

(18) A representative of the Champaign-Urbana Mass Transit District, appointed by the Governor.

(19) A representative of the Region 1 Planning Council, appointed by the Governor.

(20) A representative of the McLean County Regional Planning Commission, appointed by the Governor.

(21) A representative of the East-West Gateway Council of Governments, appointed by the Governor.

(c) The Chairperson of the Commission shall be elected from the Commission's membership by a simple majority vote of the total membership of the Commission. The Vice-Chairperson of the Commission shall be elected from the Commission's membership by a simple majority vote of the total membership of the Commission.

(d) The Governor, President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, and Minority Leader of the House of Representatives shall make their initial appointments to the Commission by January 1, 2023 ~~2022~~.

(e) Vacancies in Commission membership shall be filled in the same manner as initial appointments.

(f) Total membership of the Commission consists of the number of members serving on the Commission, not including any vacant positions. A quorum consists of a simple majority of total membership and shall be sufficient to conduct the business of the Commission, unless stipulated otherwise in the bylaws of the Commission.

(g) The Commission shall meet at least quarterly.

(Source: P.A. 102-261, eff. 8-6-21.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Stadelman offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3082

AMENDMENT NO. 2 . Amend Senate Bill 3082 on page 2, immediately below line 26, by inserting the following:

"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 Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Stadelman, **Senate Bill No. 3082** 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 5.

The following voted in the affirmative:

Aquino	Fine	Lightford	Syverson
Barickman	Fowler	Loughran Cappel	Tracy
Belt	Gillespie	Martwick	Turner, D.

Bennett	Glowiak Hilton	McConchie	Turner, S.
Bryant	Harris	Morrison	Van Pelt
Bush	Hastings	Muñoz	Villa
Castro	Holmes	Murphy	Villanueva
Collins	Hunter	Pacione-Zayas	Villivalam
Connor	Johnson	Peters	Wilcox
Crowe	Jones, E.	Rose	Mr. President
Cunningham	Joyce	Simmons	
Curran	Koehler	Sims	
Feigenholtz	Landek	Stadelman	

The following voted in the negative:

Anderson	McClure	Stoller
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 Simmons, **Senate Bill No. 4028** was recalled from the order of third reading to the order of second reading.

Senator Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 4028

AMENDMENT NO. 1 . Amend Senate Bill 4028 on page 1, line 5, after "Section 3" by inserting "and adding Section 5.5"; and

on page 2, by replacing lines 8 and 9 with "promote health, well-being, and human dignity and must include how to find a mental health provider and how to access the mental health system."; and

on page 5, immediately below line 18, by inserting:

"Section 10. The Critical Health Problems and Comprehensive Health Education Act is amended by adding Section 5.5 as follows:

(105 ILCS 110/5.5 new)

Sec. 5.5. Student Mental Health Council; reporting.

(a) In this Section, "Council" means the Student Mental Health Council.

(b) The Student Mental Health Council is created.

(c) The Student Mental Health Council shall:

(1) Conduct meetings at least once a quarter.

(2) Identify barriers to youth feeling supported by and empowered by their mental health.

(3) Evaluate available resources and services at schools for students.

(4) Destigmatize getting help when needed for our young people.

(5) Evaluate the impact of COVID-19 on students mental health.

(6) Advise and make recommendations to the General Assembly and the Governor regarding:

(A) the dissemination of information to schools, including agency websites, informational materials, and outreach personnel;

(B) available services to students and any gaps; and

(C) how to improve state policy concerning student mental health.

(d) The Council shall be composed of the following:

(1) The State Board of Education Chair or his or her designee;

(2) One member of the Senate appointed by the Senate President;
(3) One member of the House appointed by the Speaker of the House;
(4) One member of the Senate appointed by the Minority Leader of the Senate;
(5) One member of the House appointed the Minority Leader of the House;
(6) The State Board of Education Director or his or her designee;
(7) three members who are executive directors or chief executive officers, or their designees, of minority and women led organizations that are doing mental health focused work for youth;
(8) Three people who are recent graduates of public high schools;
(9) Three people who are recent graduates of public universities; and
(10) The following members shall be appointed by the State Board of Education:
(A) One current public high school student who lives in Cook County;
(B) One current public high school student who lives in central Illinois;
(C) One current public high school student who lives in southern Illinois;
(D) One current public high school student who lives in northern Illinois; and

(E) One current public high school student who lives in western Illinois.
(e) The Illinois State Board of Education shall house the Council and provide administrative, personnel, and technical support services.
(f) Only current public high school students, recent graduates of public schools, recent graduates of public universities, and executive directors or chief executive officers, or their designees, shall be compensated for their services. These members shall be paid $5,000 per year, to be paid monthly.
(g) The Council may form subcommittees that meet more than once per quarter.
(h) The initial Council meeting shall be convened no later than January 1, 2023.
(i) The Council shall meet with State Board of Education personnel quarterly.
(j) The Council shall prepare and deliver an annual report to the General Assembly and the Governor's Office by December 31 of each year.
(k) The annual report shall be considered by the General Assembly and the Governor's Office.
(l) The Council is dissolved, and this Section is repealed, on January 1, 2026.".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 4028

AMENDMENT NO. 2 . Amend Senate Bill 4028 by replacing everything after the enacting clause with the following:

"Section 5. The Critical Health Problems and Comprehensive Health Education Act is amended by changing Section 3 and by adding Section 5.5 as follows:
(105 ILCS 110/3)
Sec. 3. Comprehensive Health Education Program. The program established under this Act shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools in this State: human ecology and health; human growth and development; the emotional, psychological, physiological, hygienic, and social responsibilities of family life, including sexual abstinence until marriage; the prevention and control of disease, including instruction in grades 6 through 12 on the prevention, transmission, and spread of AIDS; age-appropriate sexual abuse and assault awareness and prevention education in grades pre-kindergarten through 12; public and environmental health; consumer health; safety education and disaster survival; mental health and illness; personal health habits; alcohol and drug use and abuse, including the medical and legal ramifications of alcohol, drug, and tobacco use; abuse during pregnancy; evidence-based and medically accurate information regarding sexual abstinence; tobacco and e-cigarettes and other vapor devices; nutrition; and dental health. The instruction on mental health and illness must evaluate the multiple dimensions of health by reviewing the relationship between physical and mental health so as to enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity and must include how and where to find mental health resources and specialized treatment in the State. The program shall also provide course material and instruction to advise pupils of the Abandoned Newborn Infant Protection Act. The program shall include information about

cancer, including, without limitation, types of cancer, signs and symptoms, risk factors, the importance of early prevention and detection, and information on where to go for help. Notwithstanding the above educational areas, the following areas may also be included as a basis for curricula in all elementary and secondary schools in this State: basic first aid (including, but not limited to, cardiopulmonary resuscitation and the Heimlich maneuver), heart disease, diabetes, stroke, the prevention of child abuse, neglect, and suicide, and teen dating violence in grades 7 through 12. Beginning with the 2014-2015 school year, training on how to properly administer cardiopulmonary resuscitation (which training must be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization) and how to use an automated external defibrillator shall be included as a basis for curricula in all secondary schools in this State.

The school board of each public elementary and secondary school in the State shall encourage all teachers and other school personnel to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques, including, without limitation, the Heimlich maneuver and rescue breathing. The training shall be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization. A school board may use the services of non-governmental entities whose personnel have expertise in life-saving techniques to instruct teachers and other school personnel in these techniques. Each school board is encouraged to have in its employ, or on its volunteer staff, at least one person who is certified, by the American Red Cross or by another qualified certifying agency, as qualified to administer first aid and cardiopulmonary resuscitation. In addition, each school board is authorized to allocate appropriate portions of its institute or inservice days to conduct training programs for teachers and other school personnel who have expressed an interest in becoming qualified to administer emergency first aid or cardiopulmonary resuscitation. School boards are urged to encourage their teachers and other school personnel who coach school athletic programs and other extracurricular school activities to acquire, develop, and maintain the knowledge and skills necessary to properly administer first aid and cardiopulmonary resuscitation in accordance with standards and requirements established by the American Red Cross or another qualified certifying agency. Subject to appropriation, the State Board of Education shall establish and administer a matching grant program to pay for half of the cost that a school district incurs in training those teachers and other school personnel who express an interest in becoming qualified to administer cardiopulmonary resuscitation (which training must be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization) or in learning how to use an automated external defibrillator. A school district that applies for a grant must demonstrate that it has funds to pay half of the cost of the training for which matching grant money is sought. The State Board of Education shall award the grants on a first-come, first-serve basis.

No pupil shall be required to take or participate in any class or course on AIDS or family life instruction or to receive training on how to properly administer cardiopulmonary resuscitation or how to use an automated external defibrillator if his or her parent or guardian submits written objection thereto, and refusal to take or participate in the course or program or the training shall not be reason for suspension or expulsion of the pupil.

Curricula developed under programs established in accordance with this Act in the major educational area of alcohol and drug use and abuse shall include classroom instruction in grades 5 through 12. The instruction, which shall include matters relating to both the physical and legal effects and ramifications of drug and substance abuse, shall be integrated into existing curricula; and the State Board of Education shall develop and make available to all elementary and secondary schools in this State instructional materials and guidelines which will assist the schools in incorporating the instruction into their existing curricula. In addition, school districts may offer, as part of existing curricula during the school day or as part of an after school program, support services and instruction for pupils or pupils whose parent, parents, or guardians are chemically dependent.

(Source: P.A. 101-305, eff. 1-1-20; 102-464, eff. 8-20-21; 102-558, eff. 8-20-21.)

(105 ILCS 110/5.5 new)

Sec. 5.5. Student Mental Health Council; reporting.

(a) In this Section, "Council" means the Student Mental Health Council.

(b) The Student Mental Health Council is created.

(c) The Student Mental Health Council shall:

(1) Conduct meetings at least once a quarter.

(2) Identify barriers to youth feeling supported by and empowered by the system of mental health and treatment providers.

(3) Evaluate available resources and services at schools for students.

(4) Destigmatize getting help when needed for our young people.

(5) Evaluate the impact of COVID-19 on students mental health, substance use disorders, and other mental health conditions.

(6) Advise and make recommendations to the General Assembly and the Governor regarding:

(A) the dissemination of information to schools, including agency websites, informational materials, and outreach personnel;

(B) available services to students and any service gaps; and

(C) how to improve State policy concerning student mental health.

(d) The Council shall be composed of the following:

(1) the State Board of Education Chair or his or her designee;

(2) one member of the Senate appointed by the Senate President;

(3) one member of the House appointed by the Speaker of the House;

(4) one member of the Senate appointed by the Minority Leader of the Senate;

(5) one member of the House appointed the Minority Leader of the House;

(6) the State Board of Education Director or his or her designee;

(7) three members who are executive directors or chief executive officers, or their designees, of organizations led by minorities, women, and LGBTQ+ individuals that are doing mental health focused work for youth;

(8) two members that are active mental health and substance use disorder counselors for youth;

(9) three members who are recent graduates of public high schools;

(10) three members who are recent graduates of public universities; and

(11) the following members shall be appointed by the State Board of Education:

(A) one current public high school student who lives in Cook County;

(B) one current public high school student who lives in central Illinois;

(C) one current public high school student who lives in southern Illinois;

(D) one current public high school student who lives in northern Illinois; and

(E) one current public high school student who lives in western Illinois.

(e) The State Board of Education shall house the Council and provide administrative, personnel, and technical support services.

(f) Only current public high school students, recent graduates of public schools, recent graduates of public universities, and executive directors or chief executive officers, or their designees, shall be compensated for their services. These members shall be paid a daily stipend of $500 when attending meetings and reimbursement for lodging and travel expenses.

(g) The Council may form subcommittees that meet more than once per quarter.

(h) The initial Council meeting shall be convened no later than January 1, 2023.

(i) The Council shall meet with the State Board of Education personnel quarterly.

(j) The Council shall prepare and deliver an annual report to the General Assembly and the Governor's Office by December 31 of each year.

(k) The annual report shall be considered by the General Assembly and the Governor's Office.

(l) The Council is dissolved, and this Section is repealed, on January 1, 2026.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 4028

AMENDMENT NO. 3 . Amend Senate Bill 4028 by replacing everything after the enacting clause with the following:

"Section 5. The Critical Health Problems and Comprehensive Health Education Act is amended by changing Section 3 and by adding Section 5.5 as follows:

(105 ILCS 110/3)

Sec. 3. Comprehensive Health Education Program. The program established under this Act shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools in this State: human ecology and health; human growth and development; the emotional, psychological, physiological, hygienic, and social responsibilities of family life, including sexual abstinence until marriage; the prevention and control of disease, including instruction in grades 6 through 12 on the prevention, transmission, and spread of AIDS; age-appropriate sexual abuse and assault awareness and prevention education in grades pre-kindergarten through 12; public and environmental health; consumer health; safety education and disaster survival; mental health and illness; personal health habits; alcohol and drug use and abuse, including the medical and legal ramifications of alcohol, drug, and tobacco use; abuse during pregnancy; evidence-based and medically accurate information regarding sexual abstinence; tobacco and e-cigarettes and other vapor devices; nutrition; and dental health. The instruction on mental health and illness must evaluate the multiple dimensions of health by reviewing the relationship between physical and mental health so as to enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity and must include how and where to find mental health resources and specialized treatment in the State. The program shall also provide course material and instruction to advise pupils of the Abandoned Newborn Infant Protection Act. The program shall include information about cancer, including, without limitation, types of cancer, signs and symptoms, risk factors, the importance of early prevention and detection, and information on where to go for help. Notwithstanding the above educational areas, the following areas may also be included as a basis for curricula in all elementary and secondary schools in this State: basic first aid (including, but not limited to, cardiopulmonary resuscitation and the Heimlich maneuver), heart disease, diabetes, stroke, the prevention of child abuse, neglect, and suicide, and teen dating violence in grades 7 through 12. Beginning with the 2014-2015 school year, training on how to properly administer cardiopulmonary resuscitation (which training must be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization) and how to use an automated external defibrillator shall be included as a basis for curricula in all secondary schools in this State.

The school board of each public elementary and secondary school in the State shall encourage all teachers and other school personnel to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques, including, without limitation, the Heimlich maneuver and rescue breathing. The training shall be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization. A school board may use the services of non-governmental entities whose personnel have expertise in life-saving techniques to instruct teachers and other school personnel in these techniques. Each school board is encouraged to have in its employ, or on its volunteer staff, at least one person who is certified, by the American Red Cross or by another qualified certifying agency, as qualified to administer first aid and cardiopulmonary resuscitation. In addition, each school board is authorized to allocate appropriate portions of its institute or inservice days to conduct training programs for teachers and other school personnel who have expressed an interest in becoming qualified to administer emergency first aid or cardiopulmonary resuscitation. School boards are urged to encourage their teachers and other school personnel who coach school athletic programs and other extracurricular school activities to acquire, develop, and maintain the knowledge and skills necessary to properly administer first aid and cardiopulmonary resuscitation in accordance with standards and requirements established by the American Red Cross or another qualified certifying agency. Subject to appropriation, the State Board of Education shall establish and administer a matching grant program to pay for half of the cost that a school district incurs in training those teachers and other school personnel who express an interest in becoming qualified to administer cardiopulmonary resuscitation (which training must be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization) or in learning how to use an automated external defibrillator. A school district that applies for a grant must demonstrate that it has funds to pay half of the cost of the training for which matching grant money is sought. The State Board of Education shall award the grants on a first-come, first-serve basis.

No pupil shall be required to take or participate in any class or course on AIDS or family life instruction or to receive training on how to properly administer cardiopulmonary resuscitation or how to use an automated external defibrillator if his or her parent or guardian submits written objection thereto, and refusal to take or participate in the course or program or the training shall not be reason for suspension or expulsion of the pupil.

Curricula developed under programs established in accordance with this Act in the major educational area of alcohol and drug use and abuse shall include classroom instruction in grades 5 through 12. The instruction, which shall include matters relating to both the physical and legal effects and ramifications of drug and substance abuse, shall be integrated into existing curricula; and the State Board of Education shall develop and make available to all elementary and secondary schools in this State instructional materials and guidelines which will assist the schools in incorporating the instruction into their existing curricula. In addition, school districts may offer, as part of existing curricula during the school day or as part of an after school program, support services and instruction for pupils or pupils whose parent, parents, or guardians are chemically dependent.

(Source: P.A. 101-305, eff. 1-1-20; 102-464, eff. 8-20-21; 102-558, eff. 8-20-21.)

(105 ILCS 110/5.5 new)

Sec. 5.5. Student Mental Health Council; reporting.

(a) In this Section, "Council" means the Student Mental Health Council.

(b) The Student Mental Health Council is created.

(c) The Student Mental Health Council shall:

(1) Conduct meetings at least once a quarter.

(2) Identify barriers to youth feeling supported by and empowered by the system of mental health and treatment providers.

(3) Evaluate available resources and services at schools for students.

(4) Destigmatize getting help when needed for our young people.

(5) Evaluate the impact of COVID-19 on students mental health, substance use disorders, and other mental health conditions.

(6) Advise and make recommendations to the General Assembly and the Governor regarding:

(A) the dissemination of information to schools, including agency websites, informational materials, and outreach personnel;

(B) available services to students and any service gaps; and

(C) how to improve State policy concerning student mental health.

(d) The Council shall be composed of the following:

(1) the State Board of Education Chair or his or her designee;

(2) one member of the Senate appointed by the Senate President;

(3) one member of the House appointed by the Speaker of the House;

(4) one member of the Senate appointed by the Minority Leader of the Senate;

(5) one member of the House appointed the Minority Leader of the House;

(6) the State Board of Education Director or his or her designee;

(7) three members who are executive directors or chief executive officers, or their designees, of organizations led by minorities, women, and LGBTQ+ individuals that are doing mental health focused work for youth;

(8) two members that are active mental health and substance use disorder counselors for youth;

(9) three members who are recent graduates of public high schools;

(10) three members who are recent graduates of public universities; and

(11) the following members shall be appointed by the State Board of Education:

(A) one current public high school student who lives in Cook County;

(B) one current public high school student who lives in central Illinois;

(C) one current public high school student who lives in southern Illinois;

(D) one current public high school student who lives in northern Illinois; and

(E) one current public high school student who lives in western Illinois.

(e) The State Board of Education shall house the Council and provide administrative, personnel, and technical support services.

(f) No member of the Council, including the chairperson, shall receive any compensation for services on the Council but shall be reimbursed for ordinary and necessary expenses incurred in attending meetings of the Council.

(g) The Council may form subcommittees that meet more than once per quarter.

(h) The initial Council meeting shall be convened no later than January 1, 2023.

(i) The Council shall meet with the State Board of Education personnel quarterly.

(j) The Council shall prepare and deliver an annual report to the General Assembly and the Governor's Office by December 31 of each year.

(k) The annual report shall be considered by the General Assembly and the Governor's Office.
(l) The Council is dissolved, and this Section is repealed, on January 1, 2026.

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

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 4028

AMENDMENT NO. 4 . Amend Senate Bill 4028 by replacing everything after the enacting clause with the following:

"Section 5. The Critical Health Problems and Comprehensive Health Education Act is amended by changing Section 3 as follows:

(105 ILCS 110/3)

Sec. 3. Comprehensive Health Education Program. The program established under this Act shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools in this State: human ecology and health; human growth and development; the emotional, psychological, physiological, hygienic, and social responsibilities of family life, including sexual abstinence until marriage; the prevention and control of disease, including instruction in grades 6 through 12 on the prevention, transmission, and spread of AIDS; age-appropriate sexual abuse and assault awareness and prevention education in grades pre-kindergarten through 12; public and environmental health; consumer health; safety education and disaster survival; mental health and illness; personal health habits; alcohol and drug use and abuse, including the medical and legal ramifications of alcohol, drug, and tobacco use; abuse during pregnancy; evidence-based and medically accurate information regarding sexual abstinence; tobacco and e-cigarettes and other vapor devices; nutrition; and dental health. The instruction on mental health and illness must evaluate the multiple dimensions of health by reviewing the relationship between physical and mental health so as to enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity and must include how and where to find mental health resources and specialized treatment in the State. The program shall also provide course material and instruction to advise pupils of the Abandoned Newborn Infant Protection Act. The program shall include information about cancer, including, without limitation, types of cancer, signs and symptoms, risk factors, the importance of early prevention and detection, and information on where to go for help. Notwithstanding the above educational areas, the following areas may also be included as a basis for curricula in all elementary and secondary schools in this State: basic first aid (including, but not limited to, cardiopulmonary resuscitation and the Heimlich maneuver), heart disease, diabetes, stroke, the prevention of child abuse, neglect, and suicide, and teen dating violence in grades 7 through 12. Beginning with the 2014-2015 school year, training on how to properly administer cardiopulmonary resuscitation (which training must be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization) and how to use an automated external defibrillator shall be included as a basis for curricula in all secondary schools in this State.

The school board of each public elementary and secondary school in the State shall encourage all teachers and other school personnel to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques, including, without limitation, the Heimlich maneuver and rescue breathing. The training shall be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization. A school board may use the services of non-governmental entities whose personnel have expertise in life-saving techniques to instruct teachers and other school personnel in these techniques. Each school board is encouraged to have in its employ, or on its volunteer staff, at least one person who is certified, by the American Red Cross or by another qualified certifying agency, as qualified to administer first aid and cardiopulmonary resuscitation. In addition, each school board is authorized to allocate appropriate portions of its institute or inservice days to conduct training programs for teachers and other school personnel who have expressed an interest in becoming qualified to administer emergency first aid or cardiopulmonary resuscitation. School boards are urged to encourage their teachers and other school personnel who coach school athletic programs and other extracurricular school activities to acquire, develop, and maintain the knowledge and skills necessary to

properly administer first aid and cardiopulmonary resuscitation in accordance with standards and requirements established by the American Red Cross or another qualified certifying agency. Subject to appropriation, the State Board of Education shall establish and administer a matching grant program to pay for half of the cost that a school district incurs in training those teachers and other school personnel who express an interest in becoming qualified to administer cardiopulmonary resuscitation (which training must be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization) or in learning how to use an automated external defibrillator. A school district that applies for a grant must demonstrate that it has funds to pay half of the cost of the training for which matching grant money is sought. The State Board of Education shall award the grants on a first-come, first-serve basis.

No pupil shall be required to take or participate in any class or course on AIDS or family life instruction or to receive training on how to properly administer cardiopulmonary resuscitation or how to use an automated external defibrillator if his or her parent or guardian submits written objection thereto, and refusal to take or participate in the course or program or the training shall not be reason for suspension or expulsion of the pupil.

Curricula developed under programs established in accordance with this Act in the major educational area of alcohol and drug use and abuse shall include classroom instruction in grades 5 through 12. The instruction, which shall include matters relating to both the physical and legal effects and ramifications of drug and substance abuse, shall be integrated into existing curricula; and the State Board of Education shall develop and make available to all elementary and secondary schools in this State instructional materials and guidelines which will assist the schools in incorporating the instruction into their existing curricula. In addition, school districts may offer, as part of existing curricula during the school day or as part of an after school program, support services and instruction for pupils or pupils whose parent, parents, or guardians are chemically dependent.

(Source: P.A. 101-305, eff. 1-1-20; 102-464, eff. 8-20-21; 102-558, eff. 8-20-21.)

Section 10. 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.

(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, 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.

(b-5) The Partnership shall include an adjunct council comprised of no more than 6 youth aged 14 to 25 and no more than 3 representatives of 3 different community-based organizations that focus on youth mental health. Each community-based organization shall be led by an LGBTQ-identified person, a person of color, or a woman. The committee members shall be appointed by the Chair of the Partnership and shall reflect the racial, gender identity, sexual orientation, ability, socioeconomic, ethnic, and geographic diversity of the State, including rural, suburban, and urban appointees. The council shall make recommendations to the Partnership regarding youth mental health, including, but not limited to, identifying barriers to youth feeling supported by and empowered by the system of mental health and treatment providers, barriers perceived by youth in accessing mental health services, gaps in the mental health system, available resources in schools, including youth's perceptions and experiences with outreach personnel, agency websites, and informational materials, methods to destigmatize mental health services, and how to improve State policy concerning student mental health. The mental health system may include services for substance use disorders and addiction. The council shall meet at least 4 times annually.

(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 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 Amendments numbered 1, 2, 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Simmons, **Senate Bill No. 4028** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 46; NAYS None.

The following voted in the affirmative:

Aquino	Fine	Lightford	Stadelman
Barickman	Gillespie	Loughran Cappel	Stoller
Belt	Glowiak Hilton	Martwick	Turner, D.
Bennett	Harris	McClure	Turner, S.
Bush	Hastings	McConchie	Van Pelt
Castro	Holmes	Morrison	Villa
Collins	Hunter	Muñoz	Villanueva
Connor	Johnson	Murphy	Villivalam
Crowe	Jones, E.	Pacione-Zayas	Wilcox
Cunningham	Joyce	Peters	Mr. President
Curran	Koehler	Simmons	
Feigenholtz	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 Feigenholtz, **Senate Bill No. 1234** was recalled from the order of third reading to the order of second reading.

Senator Feigenholtz offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1234

AMENDMENT NO. 1 . Amend Senate Bill 1234 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 13C-80 as follows:

(625 ILCS 5/13C-80 new)

Sec. 13C-80. Inspection replacement plan; report to General Assembly. By October 1, 2022, the Agency shall submit a written report to the General Assembly containing its plan to replace the dismantled official inspection stations located in the City of Chicago. The removal of the official inspection stations adversely impacted Chicago's 2.8 million population.

The plan shall consist of either a pilot program or a permanent replacement program. The described plan shall provide information on the proposed locations of the new stations within the City of Chicago, information on programs implemented in other states, and a target date for full operation of all stations. The Agency shall issue a request for proposals related to its plan by January 1, 2023.

The described plan shall also contain a timeline of actions including the issuance of a request for proposals by January 1, 2023. The plan shall include procurement of services, technology, equipment, and other elements necessary to replace the former vehicle testing lanes and shall state whether the replacement stations in the City of Chicago will utilize permanent self-service kiosks or other services. The plan shall also include the Agency's strategy of how best to inform people of the location and hours of operation of the new official inspection stations and conduct an informational campaign.

Any contracts awarded as a result of this plan shall adhere to all State procurement requirements. The State shall consider contracting with minority-owned businesses as defined in Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities 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 Feigenholtz, **Senate Bill No. 1234** 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	Syverson
Aquino	Gillespie	McClure	Tracy
Bailey	Glowiak Hilton	McConchie	Turner, D.
Barickman	Harris	Morrison	Turner, S.
Belt	Hastings	Muñoz	Van Pelt
Bryant	Holmes	Murphy	Villa
Bush	Hunter	Pacione-Zayas	Villanueva
Castro	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	Wilcox
Crowe	Joyce	Rose	Mr. President
Cunningham	Koehler	Simmons	
Curran	Landek	Sims	
Feigenholtz	Lightford	Stadelman	
Fine	Loughran Cappel	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.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Stoller moved that **Senate Resolution No. 633**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Stoller moved that Senate Resolution No. 633 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Loughran Cappel moved that **Senate Resolution No. 698**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Loughran Cappel moved that Senate Resolution No. 698 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Holmes moved that **Senate Resolution No. 838**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Holmes moved that Senate Resolution No. 838 be adopted.
The motion prevailed.
And the resolution was adopted.

Senator Harmon moved that **Senate Resolution No. 833**, on the Secretary's Desk, be taken up for immediate consideration.
The motion prevailed.
Senator Harmon moved that Senate Resolution No. 833 be adopted.
The motion prevailed.
And the resolution was adopted.

MESSAGE FROM THE HOUSE

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

HOUSE JOINT RESOLUTION NO. 71

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Friday, February 25, 2022, the House of Representatives stands adjourned until Tuesday, March 01, 2022, and when it adjourns on that day, it stands adjourned until Wednesday, March 02, 2022, and when it adjourns on that day, it stands adjourned until Thursday, March 03, 2022, and when it adjourns on that day, it stands adjourned until Friday, March 04 2022, and when it adjourns on that day, it stands adjourned until Monday, March 07, 2022, and when it adjourns on that day, it stands adjourned until Tuesday, March 08, 2022, or until the call of the Speaker; and the Senate stands adjourned until Tuesday, March 08, 2022, or until the call of the President.

Adopted by the House, February 25, 2022.

JOHN W. HOLLMAN, Clerk of the House

By unanimous consent, on motion of Senator Holmes, the foregoing message reporting House Joint Resolution No. 71 was taken up for immediate consideration.
Senator Holmes moved that the Senate concur with the House in the adoption of the resolution.
The motion prevailed.
And the Senate concurred with the House in the adoption of the resolution.
Ordered that the Secretary inform the House of Representatives thereof.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 840

Offered by Senator Anderson and all Senators:
Mourns the passing of Donald L. "Don" Haskins of Rock Island.

SENATE RESOLUTION NO. 841

Offered by Senator Anderson and all Senators:
Mourns the death of Richard L. Black of Hillsdale.

SENATE RESOLUTION NO. 842

Offered by Senator Anderson and all Senators:
Mourns the death of Franklin Ellis of Colona.

SENATE RESOLUTION NO. 843

Offered by Senator Anderson and all Senators:

Mourns the death of Kent Farley of Coal Valley.

SENATE RESOLUTION NO. 844

Offered by Senator Anderson and all Senators:
Mourns the death of Isaac "Ike" Rangel of Moline.

SENATE RESOLUTION NO. 845

Offered by Senator Anderson and all Senators:
Mourns the death of Italo "Lo" Milani of Rock Island.

SENATE RESOLUTION NO. 846

Offered by Senator Anderson and all Senators:
Mourns the death of Thomas Bowman of Colona.

SENATE RESOLUTION NO. 847

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

SENATE RESOLUTION NO. 848

Offered by Senator Bennett and all Senators:
Mourns the death of Michael C. Langendorf.

SENATE RESOLUTION NO. 849

Offered by Senator Morrison and all Senators:
Mourns the death of Elaine "Goodie" Knobel.

SENATE RESOLUTION NO. 850

Offered by Senator McClure and all Senators:
Mourns the death of Charles Marshall "Bud" Kenney II, M.D. of Springfield.

SENATE RESOLUTION NO. 851

Offered by Senator McClure and all Senators:
Mourns the death of Jess Meado of South Jacksonville.

SENATE RESOLUTION NO. 852

Offered by Senator McClure and all Senators:
Mourns the death of John Patrick Fleming of Pace, Florida.

SENATE RESOLUTION NO. 853

Offered by Senator McClure and all Senators:
Mourns the death of Paul O. Rust of South Jacksonville.

SENATE RESOLUTION NO. 854

Offered by Senator McClure and all Senators:
Mourns the death of Ted Schumann.

SENATE RESOLUTION NO. 855

Offered by Senator McClure and all Senators:
Mourns the passing of John Thomas "Tom" Long of Godfrey.

SENATE RESOLUTION NO. 856

Offered by Senator Morrison and all Senators:
Mourns the death of Deborah Carlson, longtime Deerfield resident.

SENATE RESOLUTION NO. 857

Offered by Senator Collins and all Senators:

Mourns the passing of Robbie Louise (Rodgers) Curry.

SENATE RESOLUTION NO. 858

Offered by Senator Anderson and all Senators:
Mourns the death of Robert "Bob" Ontiveros.

SENATE RESOLUTION NO. 859

Offered by Senator Anderson and all Senators:
Mourns the passing of Brian L. Kempf of Rock Island.

SENATE RESOLUTION NO. 861

Offered by Senator Martwick and all Senators:
Mourns the passing of John J. Malone Sr.

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.

SENATE RESOLUTION NO. 868

Offered by Senators Harmon - Fine and all Senators:
Mourns the passing of Josephine "Jo" Baskin Minow of Chicago.

The Chair moved the adoption of the Resolutions Consent Calendar.
The motion prevailed, and the resolutions were adopted.

READING BILL OF THE SENATE A SECOND TIME

On motion of Senator Villivalam, **Senate Bill No. 3796** 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 3796

AMENDMENT NO. 1 . Amend Senate Bill 3796 on page 3, line 24, by replacing "Board of" with "Authority."; and

on page 4, line 1, by deleting "Directors."; and

on page 5, by replacing lines 7 through 17 with the following:

"(d) To appoint by and with the consent of the Attorney General, assistant attorneys for such Authority, which said assistant attorneys shall be under the control, direction and supervision of the Attorney General and shall serve at his pleasure.

(e) To retain special counsel, subject to the approval of the Attorney General, as needed from time to time, and fix their compensation, provided however, such special counsel shall be subject to the control, direction and supervision of the Attorney General and shall serve at his pleasure.".

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

At the hour of 1:40 o'clock p.m., pursuant to **House Joint Resolution No. 71**, the Chair announced that the Senate stands adjourned until Tuesday, March 8, 2022, at 12:00 o'clock p.m., or until the call of the President.