SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

32ND LEGISLATIVE DAY

FRIDAY, APRIL 15, 2011

9:18 O'CLOCK A.M.

NO. 32
[April 15, 2011]

SENATE
Daily Journal Index
32nd Legislative Day

The Senate met pursuant to adjournment.
Senator John M. Sullivan, Rushville, Illinois, presiding.
Prayer by Reverend Richard Irwin, First Christian Church, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, April 14, 2011, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Liabilities of the State Employees' Group Health Insurance Program, Fiscal Year 2012, submitted by the Commission on Government Forecasting and Accountability.

The foregoing report was ordered received and placed on file in the Secretary's Office.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

April 15, 2011

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Terry Link to temporarily replace Senator Kimberly Lightford as a member of the Senate Committee on Assignments. This appointment will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

REPORT FROM STANDING COMMITTEE

Senator Steans, Chairperson of the Committee on Appropriations I, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2357

Senate Amendment No. 1 to Senate Bill 2378

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

PRESENTATION OF RESOLUTIONS

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

SENATE RESOLUTION NO. 176

WHEREAS, The State of Illinois recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great nation was founded; and

WHEREAS, These ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws; and

WHEREAS, In order to secure a bright future for America, we must instill in our children a love of learning as well as a spirit of compassion, two of our nation's most cherished and enduring values; and

WHEREAS, The Lubavitch-Chabad movement has fostered and promoted these ethical values and principles in more than 3,000 communities around the world, and through the educational and social service programs of their 32 centers in Illinois; and

WHEREAS, The importance of education and kindness was promoted in the teachings and programs of Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe of righteous memory, by inspiring countless individuals to uphold these values in their own lives and communities; and

WHEREAS, Rabbi Menachem Mendel Schneerson is universally respected and revered for his concern for all humanity; and the nineteenth anniversary of his passing falls on July 5, 2011; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that July 5, 2011, the nineteenth anniversary of the passing of Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, be designated as "Education and Sharing Day" in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Lubavitch-Chabad movement as a symbol of our respect and esteem.

Senators Murphy - Brady offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 177

WHEREAS, The College Illinois! prepaid tuition program has served Illinois families successfully for more than a decade, encouraging parents and grandparents to pay college tuition in advance through the purchase of State-sponsored prepaid tuition contracts; and

WHEREAS, The financial performance of the College Illinois! prepaid tuition program is critical to ensure the plan participants' ability to access funds when students are prepared to attend an institution of higher education; and

WHEREAS, The College Illinois! prepaid tuition program is not backed by the full faith and credit of the State of Illinois, but rather constitutes a moral obligation of the State, making the College Illinois!

prepaid tuition program long-term investment portfolio vulnerable to risk-intensive investment practices; and

WHEREAS, In 2009, College Illinois! prepaid tuition program assets were virtually stocks and bonds in their entirety, but, by the conclusion of January 2011, the College Illinois! fund held $419 million or 38% in alternative investments such as hedge funds, real estate, and private equity investments; and

WHEREAS, Hedge funds and private equity investments often fail to provide an intensive level of transparency appropriate for public institutional investments of this kind; and

WHEREAS, The Illinois Student Assistance Commission's stated strategy is to pursue alternative investments until the College Illinois! prepaid tuition program portfolio reaches 47% in alternative investments such as hedge fund, real estate, and private equity investments; and

WHEREAS, In 2008, the Illinois Student Assistance Commission invested $12.7 million in ShoreBank, a privately held company and, in 2010, the entire $12.7 million was lost when federal regulators closed the bank; and

WHEREAS, As of June 30, 2007, the College Illinois! prepaid tuition program fund was 7% underfunded, and, as of June 2010, the date of the most recent figures available, the College Illinois! prepaid tuition program fund was 31% underfunded; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General shall conduct a management audit of the College Illinois! prepaid tuition program's administrative operations; and be it further

RESOLVED, That the audit include, but not be limited to, the following determinations:

(1) The growth in recent years of program costs; and

(2) The efficacy of the program's administration, and, in particular, the Illinois Student Assistance Commission's oversight and administrative capacity to evaluate and direct College Illinois! prepaid tuition program investments; and be it further

RESOLVED, That as a part of this audit, the Auditor General shall conduct an independent asset allocation study of College Illinois! prepaid tuition program investments to determine the overall level of risk associated with the program's current alternative investment mix; it is intended that this study shall be conducted in comparison with a standardized investment portfolio containing no alternative investments, as well as in comparison with actual investment portfolios of similar public prepaid tuition programs currently operating in the states of Michigan, Virginia, Washington, and Florida; and be it further

RESOLVED, That the Illinois Student Assistance Commission and any other entity having information relevant to this audit cooperate fully and promptly with the Auditor General's Office in the conduct of this audit; and be it further

RESOLVED, That the Auditor General commence this audit as soon as possible and report his findings and recommendations upon completion in accordance with the provisions of Section 3-14 of the Illinois State Auditing Act; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Auditor General and the Director of the Illinois Student Assistance Commission.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 308, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1195, sponsored by Senator Bivins, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1284, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1470, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1476, sponsored by Senator Delgado, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1534, sponsored by Senator Noland, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1960, sponsored by Senator Dillard, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2066, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2607, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2804, sponsored by Senator J. Jones, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3237, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3265, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3300, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3342, sponsored by Senator Hutchinson, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3390, sponsored by Senator Mulroe, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3636, sponsored by Senator McCann, was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 9:29 o'clock a.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 9:34 o'clock a.m. the Senate resumed consideration of business.
Senator Sullivan, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 15, 2011 meeting, reported that the following Legislative Measures have been approved for consideration:

Senate Floor Amendment No. 1 to Senate Bill 7
Senate Floor Amendment No. 2 to Senate Bill 7

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Bivins, **Senate Bill No. 2162**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Rezin
Bivins	Harmon	Luechtefeld	Righter
Bomke	Holmes	Maloney	Sandack
Brady	Hunter	Martinez	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Jacobs	McCarter	Schoenberg
Crotty	Johnson, C.	Millner	Silverstein
Cultra	Johnson, T.	Mulroe	Steans
Delgado	Jones, E.	Muñoz	Sullivan
Dillard	Jones, J.	Murphy	Syverson
Duffy	Koehler	Noland	Trotter
Forby	Kotowski	Pankau	Wilhelmi
Frerichs	Lauzen	Radogno	Mr. President
Garrett	Lightford	Raoul	

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

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

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 2063** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 2063

AMENDMENT NO. 4. Amend Senate Bill 2063, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3 as follows:

on page 4, line 14, after "less", by inserting "or in any county".

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 Harmon, **Senate Bill No. 2063**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Righter
Bivins	Holmes	Maloney	Sandack
Bomke	Hunter	Martinez	Sandoval
Brady	Hutchinson	McCann	Schmidt
Clayborne	Jacobs	McCarter	Schoenberg
Collins, J.	Johnson, C.	Meeks	Silverstein
Crotty	Johnson, T.	Millner	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Lauzen	Radogno	
Garrett	Lightford	Raoul	
Haine	Link	Rezin	

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

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

On motion of Senator Harmon, **Senate Bill No. 2141**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Raoul
Bivins	Harmon	Link	Rezin
Bomke	Holmes	Luechtefeld	Righter
Brady	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Jacobs	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Silverstein
Cultra	Jones, E.	Millner	Steans
Delgado	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Muñoz	Syverson
Duffy	Kotowski	Murphy	Trotter
Forby	LaHood	Noland	Wilhelmi
Frerichs	Landek	Pankau	Mr. President
Garrett	Lauzen	Radogno	

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 Schoenberg, **Senate Bill No. 2147**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Raoul
Bivins	Harmon	Link	Rezin
Bomke	Holmes	Luechtefeld	Righter
Brady	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Jacobs	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Silverstein
Cultra	Jones, E.	Millner	Steans
Delgado	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Muñoz	Syverson
Duffy	Kotowski	Murphy	Trotter
Forby	LaHood	Noland	Wilhelmi
Frerichs	Landek	Pankau	Mr. President
Garrett	Lauzen	Radogno	

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 Clayborne, **Senate Bill No. 2168**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Haine	Link	Sandack
Bivins	Harmon	Luechtefeld	Sandoval
Bomke	Holmes	Maloney	Schmidt
Brady	Hunter	Martinez	Schoenberg
Clayborne	Hutchinson	McCann	Silverstein
Collins, A.	Johnson, C.	Millner	Steans
Collins, J.	Johnson, T.	Mulroe	Sullivan
Crotty	Jones, E.	Muñoz	Syverson
Cultra	Jones, J.	Murphy	Trotter
Delgado	Koehler	Noland	Wilhelmi
Dillard	Kotowski	Pankau	Mr. President
Duffy	LaHood	Radogno	
Forby	Landek	Raoul	
Frerichs	Lauzen	Rezin	
Garrett	Lightford	Righter	

The following voted present:

Jacobs

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 Clayborne, **Senate Bill No. 2169**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Raoul
Bivins	Harmon	Link	Rezin
Bomke	Holmes	Luechtefeld	Righter
Brady	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Jacobs	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Silverstein
Cultra	Jones, E.	Millner	Steans
Delgado	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Muñoz	Syverson
Duffy	Kotowski	Murphy	Trotter
Forby	LaHood	Noland	Wilhelmi
Frerichs	Landek	Pankau	Mr. President
Garrett	Lauzen	Radogno	

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 Clayborne, **Senate Bill No. 2172**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 37; NAYS 21.

The following voted in the affirmative:

Clayborne	Harmon	Link	Silverstein
Collins, A.	Holmes	Maloney	Steans
Collins, J.	Hunter	Martinez	Sullivan
Crotty	Hutchinson	Mulroe	Syverson
Delgado	Jacobs	Muñoz	Trotter
Dillard	Jones, E.	Noland	Wilhelmi
Forby	Koehler	Raoul	Mr. President
Frerichs	Kotowski	Rezin	
Garrett	Landek	Sandoval	
Haine	Lightford	Schoenberg	

The following voted in the negative:

Althoff	Johnson, C.	McCann	Righter
Bivins	Johnson, T.	McCarter	Sandack
Bomke	Jones, J.	Millner	Schmidt
Brady	LaHood	Murphy	
Cultra	Lauzen	Pankau	
Duffy	Luechtefeld	Radogno	

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 Hutchinson, **Senate Bill No. 2190** was recalled from the order of third reading to the order of second reading.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2190

AMENDMENT NO. _2__. Amend Senate Bill 2190 as follows:

on page 66, line 1, by deleting "Gray Wolf, Canis Lupus; American black bear, Ursus americanus; Cougar, Puma concolor;".

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 Hutchinson, **Senate Bill No. 2190**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Bivins	Harmon	Link	Rezin
Bomke	Holmes	Luechtefeld	Righter
Brady	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Jacobs	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Silverstein
Cultra	Jones, E.	Millner	Steans
Delgado	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Muñoz	Trotter
Duffy	Kotowski	Murphy	Wilhelmi
Forby	LaHood	Noland	Mr. President
Frerichs	Landek	Pankau	
Garrett	Lauzen	Radogno	
Haine	Lightford	Raoul	

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 Hutchinson, **Senate Bill No. 2193** was recalled from the order of third reading to the order of second reading.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2193

AMENDMENT NO. _2__. Amend Senate Bill 2193 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Environmental Justice Act.

Section 5. Legislative findings. The General Assembly finds that:

(i) the principle of environmental justice requires that no segment of the population, regardless of race, national origin, age, or income, should bear disproportionately high or adverse effects of environmental pollution;

(ii) certain communities in the State may suffer disproportionately from environmental hazards related to facilities with permits approved by the State; and

(iii) these environmental hazards can cause long-term health effects.

Section 10. Commission on Environmental Justice.

(a) The Commission on Environmental Justice is established and consists of the following 20 voting members:

(1) 2 members of the Senate, one appointed by the President of the Senate and the other by the Minority Leader of the Senate, each to serve at the pleasure of the appointing officer;

(2) 2 members of the House of Representatives, one appointed by the Speaker of the House of Representatives and the other by the Minority Leader of the House of Representatives, each to serve at the pleasure of the appointing officer;

(3) the following ex officio members: the Director of Aging or his or her designee, the Director of Commerce and Economic Opportunity or his or her designee, the Director of the Environmental Protection Agency or his or her designee, the Director of Natural Resources or his or her designee, the Director of Public Health or his or her designee, and the Director of Transportation or his or her designee; and

(4) 10 members appointed by the Governor who represent the following interests:

(i) affected communities concerned with environmental justice;

(ii) business organizations;

(iii) environmental organizations;

(iv) experts on environmental health and environmental justice;

(v) units of local government; and

(vi) members of the general public who have an interest or expertise in environmental justice.

(b) Of the initial members of the Commission appointed by the Governor, 5 shall serve for a 2-year term and 5 shall serve for a 1-year term, as designated by the Governor at the time of appointment. Thereafter, the members appointed by the Governor shall serve 2-year terms. Vacancies shall be filled in the same manner as appointments. Members of the Commission appointed by the Governor may not receive compensation for their service on the Commission and are not entitled to reimbursement for expenses.

(c) The Governor shall designate a Chairperson from among the Commission's members. The Commission shall meet at the call of the Chairperson, but no later than 90 days after the effective date of this Act and at least quarterly thereafter.

(d) The Commission shall:

(1) advise State entities on environmental justice and related community issues;

(2) review and analyze the impact of current State laws and policies on the issue of environmental justice and sustainable communities;

(3) assess the adequacy of State and local laws to address the issue of environmental justice and sustainable communities;

(4) develop criteria to assess whether communities in the State may be experiencing environmental justice issues; and

(5) recommend options to the Governor for addressing issues, concerns, or problems related to environmental justice that surface after reviewing State laws and policies, including prioritizing areas of the State that need immediate attention.

(e) On or before October 1, 2011 and each October 1 thereafter, the Commission shall report its findings and recommendations to the Governor and General Assembly.

(f) The Environmental Protection Agency shall provide administrative and other support to the Commission.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hutchinson, **Senate Bill No. 2193**, 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 7.

The following voted in the affirmative:

Althoff	Harmon	Maloney	Rezin
Bivins	Holmes	Martinez	Sandoval
Bomke	Hunter	McCann	Schmidt
Clayborne	Hutchinson	McCarter	Schoenberg
Collins, A.	Jacobs	Meeks	Silverstein
Collins, J.	Johnson, C.	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Syverson
Dillard	Kotowski	Murphy	Trotter
Forby	LaHood	Noland	Wilhelmi
Frerichs	Landek	Pankau	Mr. President
Garrett	Lightford	Radogno	
Haine	Link	Raoul	

The following voted in the negative:

Brady	Duffy	Jones, J.	Luechtefeld
Cultra	Johnson, T.	Lauzen	

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 Hutchinson, **Senate Bill No. 2194** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 2 was postponed in the Committee on Revenue.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2194

AMENDMENT NO. 3. Amend Senate Bill 2194, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 4, line 5, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 5, line 21, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 11, line 1, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 12, line 17, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 22, line 18, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 24, line 8, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible

personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 40, line 2, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 41, line 18, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 58, line 8, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 59, line 24, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 71, line 3, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 72, line 19, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and,

prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 86, line 10, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 87, line 26, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 94, line 22, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 96, line 12, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 105, line 7, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 106, line 23, after "orders", by inserting ", or (5) in those situations where the order for the

purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 113, line 26, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 115, line 16, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 120, line 21, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 122, line 11, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 136, line 18, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 138, line 11, after "earth", by inserting ", or (6) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (7) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 163, line 14, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 165, line 7, after "earth", by inserting ", or (6) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (7) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 173, line 8, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 174, line 24, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 194, line 2, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 195, line 18, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 213, line 19, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 215, line 9, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale"; and

on page 227, line 21, after "property", by inserting "and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection"; and

on page 229, line 11, after "orders", by inserting ", or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale".

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 Hutchinson, **Senate Bill No. 2194**, 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 33; NAYS 20; Present 4.

The following voted in the affirmative:

Althoff	Haine	Lauzen	Righter
Bivins	Holmes	Link	Sandack
Bomke	Hutchinson	Luechtefeld	Schmidt
Brady	Jacobs	McCann	Sullivan
Clayborne	Johnson, C.	McCarter	Syverson
Cultra	Johnson, T.	Murphy	Wilhelmi
Duffy	Koehler	Pankau	
Forby	Kotowski	Radogno	
Frerichs	LaHood	Rezin	

The following voted in the negative:

Collins, A.	Landek	Noland	Trotter
Crotty	Lightford	Raoul	Mr. President
Garrett	Maloney	Sandoval	
Harmon	Millner	Schoenberg	
Hunter	Mulroe	Silverstein	
Jones, J.	Muñoz	Steans	

The following voted present:

Collins, J.	Jones, E.
Delgado	Martinez

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 Clayborne, **Senate Bill No. 2206**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Righter
Bivins	Holmes	Luechtefeld	Sandack
Bomke	Hunter	Maloney	Sandoval
Brady	Hutchinson	Martinez	Schmidt
Clayborne	Jacobs	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, E.	Millner	Sullivan

Delgado	Jones, J.	Mulroe	Syverson
Dillard	Koehler	Muñoz	Trotter
Duffy	Kotowski	Murphy	Wilhelmi
Forby	LaHood	Noland	Mr. President
Frerichs	Landek	Pankau	
Garrett	Lauzen	Raoul	
Haine	Lightford	Rezin	

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

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

On motion of Senator Wilhelmi, **Senate Bill No. 2225**, 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; NAY 1; Present 1.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Righter
Bivins	Holmes	Maloney	Sandack
Bomke	Hunter	Martinez	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Jacobs	McCarter	Schoenberg
Crotty	Johnson, T.	Millner	Silverstein
Cultra	Jones, E.	Mulroe	Steans
Delgado	Jones, J.	Muñoz	Sullivan
Dillard	Koehler	Murphy	Syverson
Duffy	Kotowski	Noland	Trotter
Forby	LaHood	Pankau	Wilhelmi
Frerichs	Lauzen	Radogno	Mr. President
Garrett	Lightford	Raoul	
Haine	Link	Rezin	

The following voted in the negative:

Landek

The following voted present:

Brady

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 Jones, E. III, **Senate Bill No. 2267**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Righter
Bivins	Holmes	Luechtefeld	Sandack
Bomke	Hunter	Maloney	Sandoval
Brady	Hutchinson	Martinez	Schmidt
Clayborne	Jacobs	McCann	Schoenberg
Collins, A.	Johnson, C.	McCarter	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	
Haine	Lightford	Rezin	

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

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

On motion of Senator Harmon, **Senate Bill No. 2268**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Raoul
Bivins	Harmon	Link	Rezin
Bomke	Holmes	Luechtefeld	Righter
Brady	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Jacobs	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Silverstein
Cultra	Jones, E.	Millner	Steans
Delgado	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Muñoz	Syverson
Duffy	Kotowski	Murphy	Trotter
Forby	LaHood	Noland	Wilhelmi
Frerichs	Landek	Pankau	Mr. President
Garrett	Lauzen	Radogno	

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 Sandack, **Senate Bill No. 2270**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Link	Righter
Bomke	Holmes	Luechtefeld	Sandack
Brady	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Jacobs	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	Millner	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	

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. 2271** 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 2271

AMENDMENT NO. 1. Amend Senate Bill 2271 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Racial and Ethnic Impact Research Task Force Act.

Section 5. Purpose. The purpose of this Act is to determine a practical method for the standardized collection and analysis of data on the racial and ethnic identity of arrestees by State and local law enforcement agencies. The method shall be usable not only for the collection and analysis of data on the racial and ethnic identity of arrestees under current law, but also in predicting the likely racial and ethnic identity of arrestees under proposed changes to the Criminal Code of 1961, the Code of Criminal Procedure of 1963, and the Unified Code of Corrections.

Section 10. Racial and Ethnic Impact Research Task Force. There is created the Racial and Ethnic Impact Research Task Force, composed of the following members:

(1) Two members of the Senate appointed by the Senate President, one of whom the President shall designate to serve as co-chair, and 2 members of the Senate appointed by the Minority Leader of the Senate.

(2) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom the Speaker shall designate to serve as co-chair, and 2 members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(3) The following persons or their designees:

(A) the Attorney General,

(B) the Chief Judge of the Circuit Court of Cook County,

(C) the Director of State Police,
(D) the Superintendent of the Chicago Police Department,
(E) the Sheriff of Cook County,
(F) the State Appellate Defender,
(G) the Cook County Public Defender,
(H) the Director of the Office of the State's Attorneys Appellate Prosecutor,
(I) the Cook County State's Attorney,
(J) the Executive Director of the Illinois Criminal Justice Information Authority,
(K) the Director of Corrections,
(L) the Director of Juvenile Justice, and
(M) the Executive Director of the Illinois African-American Family Commission.

(4) The co-chairs may name up to 8 persons, representing minority communities within Illinois, groups involved in the improvement of the administration of justice, behavioral health, criminal justice, law enforcement, and the rehabilitation of former inmates, community groups, and other interested parties.

Section 15. Compensation; support. The members of the Task Force shall serve without compensation, but may be reimbursed for reasonable expenses incurred as a result of their duties as members of the Task Force from funds appropriated by the General Assembly for that purpose. The Center for Excellence in Criminal Justice at the Great Lakes Addiction Technology Transfer Center at Jane Addams College of Social Work at the University of Illinois at Chicago shall provide staff and administrative support services to the Task Force.

Section 20. Meetings; report. The Task Force shall hold one or more public hearings, at which public testimony shall be heard. The Task Force shall report its findings and recommendations to the General Assembly on or before July 1, 2012. The recommendations shall include, but are not limited to:

(1) identifying a practical method for the standardized collection and analysis of data on the racial and ethnic identity of arrestees by State and local law enforcement agencies; and

(2) providing proposed legislation, drafted with the assistance of the Legislative Reference Bureau, and using the identified practical method for the standardized collection and analysis of data on the racial and ethnic identity of arrestees by State and local law enforcement agencies, to create a Racial and Ethnic Impact Statement providing an analysis of the likely racial and ethnic identity of arrestees under proposed changes to the Criminal Code of 1961, the Code of Criminal Procedure of 1963, and the Unified Code of Corrections.

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 Hunter, **Senate Bill No. 2271**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Link	Righter
Bomke	Holmes	Luechtefeld	Sandack
Brady	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Jacobs	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	Millner	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Trotter
Dillard	Koehler	Murphy	Wilhelmi
Duffy	Kotowski	Noland	Mr. President
Forby	LaHood	Pankau	
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	

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 Raoul, **Senate Bill No. 2279**, 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; Present 5.

The following voted in the affirmative:

Althoff	Harmon	Maloney	Sandack
Bivins	Holmes	Martinez	Sandoval
Clayborne	Hunter	McCann	Schmidt
Collins, A.	Hutchinson	McCarter	Schoenberg
Collins, J.	Johnson, C.	Mulroe	Silverstein
Crotty	Johnson, T.	Muñoz	Steans
Cultra	Jones, E.	Murphy	Sullivan
Delgado	Koehler	Noland	Wilhelmi
Dillard	Kotowski	Pankau	Mr. President
Forby	Landek	Radogno	
Frerichs	Lightford	Raoul	
Garrett	Link	Rezin	
Haine	Luechtefeld	Righter	

The following voted present:

Bomke	Jones, J.	Lauzen
Duffy	LaHood	

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 Millner asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 2279**.

Senator Trotter asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 2279**.

On motion of Senator Wilhelmi, **Senate Bill No. 2286**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAY 1; Present 1.

The following voted in the affirmative:

Althoff	Harmon	Lightford	Radogno
Bivins	Holmes	Link	Rezin
Bomke	Hunter	Luechtefeld	Righter
Brady	Hutchinson	Maloney	Sandack
Collins, J.	Jacobs	Martinez	Sandoval
Crotty	Johnson, C.	McCann	Schmidt
Cultra	Johnson, T.	McCarter	Schoenberg
Delgado	Jones, E.	Meeks	Silverstein
Dillard	Jones, J.	Millner	Steans
Duffy	Koehler	Mulroe	Sullivan
Forby	Kotowski	Muñoz	Trotter
Frerichs	LaHood	Murphy	Wilhelmi
Garrett	Landek	Noland	Mr. President
Haine	Lauzen	Pankau	

The following voted in the negative:

Collins, A.

The following voted present:

Raoul

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 Hutchinson, **Senate Bill No. 2288** was recalled from the order of third reading to the order of second reading.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2288

AMENDMENT NO. _2_. Amend Senate Bill 2288 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Sections 9.4 and 22.16b as follows:

(415 ILCS 5/9.4) (from Ch. 111 1/2, par. 1009.4)

Sec. 9.4. Municipal waste incineration emission standards.

(a) The General Assembly finds:

(1) That air pollution from municipal waste incineration may constitute a threat to public health, welfare and the environment. The amounts and kinds of pollutants depend on the nature of the waste stream, operating conditions of the incinerator, and the effectiveness of emission controls. Under normal operating conditions, municipal waste incinerators produce pollutants such as organic

compounds, metallic compounds and acid gases which may be a threat to public health, welfare and the environment.

(2) That a combustion and flue-gas control system, which is properly designed, operated and maintained, can substantially reduce the emissions of organic materials, metallic compounds and acid gases from municipal waste incineration.

(b) It is the purpose of this Section to insure that emissions from new municipal waste incineration facilities which burn a total of 25 tons or more of municipal waste per day are adequately controlled.

Such facilities shall be subject to emissions limits and operating standards based upon the application of Best Available Control Technology, as determined by the Agency, for emissions of the following categories of pollutants:

(1) particulate matter, sulfur dioxide and nitrogen oxides;

(2) acid gases;

(3) heavy metals; and

(4) organic materials.

(c) The Agency shall issue permits, pursuant to Section 39, to new municipal waste incineration facilities only if the Agency finds that such facilities are designed, constructed and operated so as to comply with the requirements prescribed by this Section.

Prior to adoption of Board regulations under subsection (d) of this Section the Agency may issue permits for the construction of new municipal waste incineration facilities. The Agency determination of Best Available Control Technology shall be based upon consideration of the specific pollutants named in subsection (d), and emissions of particulate matter, sulfur dioxide and nitrogen oxides.

Nothing in this Section shall limit the applicability of any other Sections of this Act, or of other standards or regulations adopted by the Board, to municipal waste incineration facilities. In issuing such permits, the Agency may prescribe those conditions necessary to assure continuing compliance with the emission limits and operating standards determined pursuant to subsection (b); such conditions may include the monitoring and reporting of emissions.

(d) Within one year after July 1, 1986, the Board shall adopt regulations pursuant to Title VII of this Act, which define the terms in items (2), (3) and (4) of subsection (b) of this Section which are to be used by the Agency in making its determination pursuant to this Section. The provisions of Section 27(b) of this Act shall not apply to this rulemaking.

Such regulations shall be written so that the categories of pollutants include, but need not be limited to, the following specific pollutants:

(1) hydrogen chloride in the definition of acid gases;

(2) arsenic, cadmium, mercury, chromium, nickel and lead in the definition of heavy metals; and

(3) polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans and polynuclear aromatic hydrocarbons in the definition of organic materials.

(e) For the purposes of this Section, the term "Best Available Control Technology" means an emission limitation (including a visible emission standard) based on the maximum degree of pollutant reduction which the Agency, on a case-by-case basis, taking into account energy, environmental and economic impacts, determines is achievable through the application of production processes or available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques. If the Agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard not feasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

(f) "Municipal waste incineration" means the burning of municipal waste or fuel derived therefrom in a combustion apparatus designed to burn municipal waste that may produce electricity or steam as a by-product. A "new municipal waste incinerator" is an incinerator initially permitted for development or construction after January 1, 1986. <u>"Municipal waste incineration" does not include the burning of any fuel excluded from the definition of "solid waste" pursuant to 40 CFR 241.3.</u>

(g) The provisions of this Section shall not apply to industrial incineration facilities that burn waste generated at the same site.

(Source: P.A. 91-357, eff. 7-29-99; 92-574, eff. 6-26-02.)

(415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

Sec. 22.16b. (a) Beginning January 1, 1991, the Agency shall assess and collect a fee from the owner

or operator of each new municipal waste incinerator. The fee shall be calculated by applying the rates established from time to time for the disposal of solid waste at sanitary landfills under subdivision (b)(1) of Section 22.15 to the total amount of municipal waste accepted for incineration at the new municipal waste incinerator. The exemptions provided by this Act to the fees imposed under subsection (b) of Section 22.15 shall not apply to the fee imposed by this Section.

The owner or operator of any new municipal waste incinerator permitted after January 1, 1990, but before July 1, 1990 by the Agency for the development or operation of a new municipal waste incinerator shall be exempt from this fee, but shall include the following conditions:

(1) The owner or operator shall provide information programs to those communities serviced by the owner or operator concerning recycling and separation of waste not suitable for incineration.

(2) The owner or operator shall provide information programs to those communities serviced by the owner or operator concerning the Agency's household hazardous waste collection program and participation in that program.

For the purposes of this Section, "new municipal waste incinerator" means a municipal waste incinerator initially permitted for development or construction on or after January 1, 1990, but shall exclude any facility that uses a fuel excluded from the definition of "solid waste" pursuant to 40 CFR 241.3.

Amounts collected under this subsection shall be deposited into the Municipal Waste Incinerator Tax Fund, which is hereby established as an interest-bearing special fund in the State Treasury. Monies in the Fund may be used, subject to appropriation:

(1) by the Department of Commerce and Economic Opportunity to fund its public information programs on recycling in those communities served by new municipal waste incinerators; and

(2) by the Agency to fund its household hazardous waste collection activities in those communities served by new municipal waste incinerators.

(b) Any permit issued by the Agency for the development or operation of a new municipal waste incinerator shall include the following conditions:

(1) The incinerator must be designed to provide continuous monitoring while in operation, with direct transmission of the resultant data to the Agency, until the Agency determines the best available control technology for monitoring the data. The Agency shall establish the test methods, procedures and averaging periods, as certified by the USEPA for solid waste incinerator units, and the form and frequency of reports containing results of the monitoring. Compliance and enforcement shall be based on such reports. Copies of the results of such monitoring shall be maintained on file at the facility concerned for one year, and copies shall be made available for inspection and copying by interested members of the public during business hours.

(2) The facility shall comply with the emission limits adopted by the Agency under subsection (c).

(3) The operator of the facility shall take reasonable measures to ensure that waste accepted for incineration complies with all legal requirements for incineration. The incinerator operator shall establish contractual requirements or other notification and inspection procedures sufficient to assure compliance with this subsection (b)(3) which may include, but not be limited to, routine inspections of waste, lists of acceptable and unacceptable waste provided to haulers and notification to the Agency when the facility operator rejects and sends loads away. The notification shall contain at least the name of the hauler and the site from where the load was hauled.

(4) The operator may not accept for incineration any waste generated or collected in a municipality that has not implemented a recycling plan or is party to an implemented county plan, consistent with State goals and objectives. Such plans shall include provisions for collecting, recycling or diverting from landfills and municipal incinerators landscape waste, household hazardous waste and batteries. Such provisions may be performed at the site of the new municipal incinerator.

The Agency, after careful scrutiny of a permit application for the construction, development or operation of a new municipal waste incinerator, shall deny the permit if (i) the Agency finds in the permit application noncompliance with the laws and rules of the State or (ii) the application indicates that the mandated air emissions standards will not be reached within six months of the proposed municipal waste incinerator beginning operation.

(c) The Agency shall adopt specific limitations on the emission of mercury, chromium, cadmium and lead, and good combustion practices, including temperature controls from municipal waste incinerators pursuant to Section 9.4 of the Act.

(d) The Agency shall establish household hazardous waste collection centers in appropriate places in

this State. The Agency may operate and maintain the centers itself or may contract with other parties for that purpose. The Agency shall ensure that the wastes collected are properly disposed of. The collection centers may charge fees for their services, not to exceed the costs incurred. Such collection centers shall not (i) be regulated as hazardous waste facilities under RCRA nor (ii) be subject to local siting approval under Section 39.2 if the local governing authority agrees to waive local siting approval procedures.
(Source: P.A. 94-793, eff. 5-19-06.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hutchinson, **Senate Bill No. 2288**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Raoul
Bivins	Harmon	Link	Rezin
Bomke	Holmes	Luechtefeld	Sandack
Brady	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Jacobs	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, E.	Millner	Sullivan
Delgado	Jones, J.	Mulroe	Trotter
Dillard	Koehler	Muñoz	Wilhelmi
Duffy	Kotowski	Murphy	Mr. President
Forby	LaHood	Noland	
Frerichs	Landek	Pankau	
Garrett	Lauzen	Radogno	

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 Dillard, **Senate Bill No. 2301** was recalled from the order of third reading to the order of second reading.

Senators Dillard - Cullerton offered the following amendment and Senator Dillard moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2301

AMENDMENT NO. 1. Amend Senate Bill 2301 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 17-10.6 as follows:

(720 ILCS 5/17-10.6)

(Text of Section before amendment by P.A. 96-1532)

Sec. 17-10.6. Financial institution fraud.

(a) Misappropriation of financial institution property. A person commits misappropriation of a financial institution's property whenever he or she knowingly obtains or exerts unauthorized control over any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, or under the custody or care of any agent, officer, director, or employee of such financial institution.

(b) Commercial bribery of a financial institution.

(1) A person commits commercial bribery of a financial institution when he or she knowingly confers or offers or agrees to confer any benefit upon any employee, agent, or fiduciary without the consent of the latter's employer or principal, with the intent to influence his or her conduct in relation to his or her employer's or principal's affairs.

(2) An employee, agent, or fiduciary of a financial institution commits commercial bribery of a financial institution when, without the consent of his or her employer or principal, he or she knowingly solicits, accepts, or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence his or her conduct in relation to his or her employer's or principal's affairs.

(c) Financial institution fraud. A person commits financial institution fraud when he or she knowingly executes or attempts to execute a scheme or artifice:

(1) to defraud a financial institution; or

(2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, by means of pretenses, representations, or promises he or she knows to be false.

(d) Loan fraud. A person commits loan fraud when he or she knowingly, with intent to defraud, makes any false statement or report, or overvalues any land, property, or security, with the intent to influence in any way the action of a financial institution to act upon any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, or loan, or any change or extension of any of the same, by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security.

(e) Concealment of collateral. A person commits concealment of collateral when he or she, with intent to defraud, knowingly conceals, removes, disposes of, or converts to the person's own use or to that of another any property mortgaged or pledged to or held by a financial institution.

(f) Financial institution robbery. A person commits robbery when he or she knowingly, by force or threat of force, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion, any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, a financial institution.

(g) Conspiracy to commit a financial crime.

(1) A person commits conspiracy to commit a financial crime when, with the intent that any violation of this Section be committed, he or she agrees with another person to the commission of that offense.

(2) No person may be convicted of conspiracy to commit a financial crime unless an overt act or acts in furtherance of the agreement is alleged and proved to have been committed by that person or by a co-conspirator and the accused is a part of a common scheme or plan to engage in the unlawful activity.

(3) It shall not be a defense to conspiracy to commit a financial crime that the person or persons with whom the accused is alleged to have conspired:

(A) has not been prosecuted or convicted;

(B) has been convicted of a different offense;

(C) is not amenable to justice;

(D) has been acquitted; or

(E) lacked the capacity to commit the offense.

(h) Continuing financial crimes enterprise. A person commits a continuing financial crimes enterprise when he or she knowingly, within an 18-month period, commits 3 or more separate offenses under this Section or, if involving a financial institution, any other felony offenses under this Code.

(i) Organizer of a continuing financial crimes enterprise.

(1) A person commits being an organizer of a continuing financial crimes enterprise when he or she:

(A) with the intent to commit any offense under this Section, or, if involving a financial institution, any other felony offense under this Code, agrees with another person to the commission of that offense on 3 or more separate occasions within an 18-month period; and

(B) with respect to the other persons within the conspiracy, occupies a position of organizer, supervisor, or financier or other position of management.

(2) The person with whom the accused agreed to commit the 3 or more offenses under this Section, or, if involving a financial institution, any other felony offenses under this Code, need not be the same person or persons for each offense, as long as the accused was a part of the common scheme or plan to engage in each of the 3 or more alleged offenses.

(j) Sentence.

(1) Except as otherwise provided in this subsection, a violation of this Section, the full value of which:

(A) does not exceed $500, is a Class A misdemeanor;

(B) does not exceed $500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony;

(C) exceeds $500 but does not exceed $10,000, is a Class 3 felony;

(D) exceeds $10,000 but does not exceed $100,000, is a Class 2 felony;

(E) exceeds $100,000, is a Class 1 felony.

(2) A violation of subsection (f) is a Class 1 felony.

(3) A violation of subsection (h) is a Class 1 felony.

(4) A violation for subsection (i) is a Class X felony.

(k) A "financial crime" means an offense described in this Section.

(l) Period of limitations. The period of limitations for prosecution of any offense defined in this Section begins at the time when the last act in furtherance of the offense is committed.

(Source: P.A. 96-1551, eff. 7-1-11.)

(Text of Section after amendment by P.A. 96-1532)

Sec. 17-10.6. Financial institution fraud.

(a) Misappropriation of financial institution property. A person commits misappropriation of a financial institution's property whenever he or she knowingly obtains or exerts unauthorized control over any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, or under the custody or care of any agent, officer, director, or employee of such financial institution.

(b) Commercial bribery of a financial institution.

(1) A person commits commercial bribery of a financial institution when he or she knowingly confers or offers or agrees to confer any benefit upon any employee, agent, or fiduciary without the consent of the latter's employer or principal, with the intent to influence his or her conduct in relation to his or her employer's or principal's affairs.

(2) An employee, agent, or fiduciary of a financial institution commits commercial bribery of a financial institution when, without the consent of his or her employer or principal, he or she knowingly solicits, accepts, or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence his or her conduct in relation to his or her employer's or principal's affairs.

(c) Financial institution fraud. A person commits financial institution fraud when he or she knowingly executes or attempts to execute a scheme or artifice:

(1) to defraud a financial institution; or

(2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, by means of pretenses, representations, or promises he or she knows to be false.

(d) Loan fraud. A person commits loan fraud when he or she knowingly, with intent to defraud, makes any false statement or report, or overvalues any land, property, or security, with the intent to influence in any way the action of a financial institution to act upon any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, or loan, or any change or extension of any of the same, by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security.

(e) Concealment of collateral. A person commits concealment of collateral when he or she, with intent to defraud, knowingly conceals, removes, disposes of, or converts to the person's own use or to that of another any property mortgaged or pledged to or held by a financial institution.

(f) Financial institution robbery. A person commits robbery when he or she knowingly, by force or threat of force, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion, any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, a financial institution.

(g) Conspiracy to commit a financial crime.

(1) A person commits conspiracy to commit a financial crime when, with the intent that any violation of this Section be committed, he or she agrees with another person to the commission of that offense.

(2) No person may be convicted of conspiracy to commit a financial crime unless an overt act or acts in furtherance of the agreement is alleged and proved to have been committed by that person or by a co-conspirator and the accused is a part of a common scheme or plan to engage in the unlawful activity.

(3) It shall not be a defense to conspiracy to commit a financial crime that the person or persons with whom the accused is alleged to have conspired:

(A) has not been prosecuted or convicted;

(B) has been convicted of a different offense;

(C) is not amenable to justice;

(D) has been acquitted; or

(E) lacked the capacity to commit the offense.

(h) Continuing financial crimes enterprise. A person commits a continuing financial crimes enterprise when he or she knowingly, within an 18-month period, commits 3 or more separate offenses constituting any combination of the following:

(1) an offense under this Section;

(2) a felony offense in violation of Section 16A-3 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or

(3) ~~,~~ if involving a financial institution, any other felony offense ~~offenses~~ under this Code.

(i) Organizer of a continuing financial crimes enterprise.

(1) A person commits being an organizer of a continuing financial crimes enterprise when he or she:

(A) with the intent to commit any offense ~~under this Section~~, agrees with another person to the commission of any combination of the following offenses on 3 or more separate occasions within an 18-month period:

(i) an offense under this Section;

(ii) a felony offense in violation of Section 16A-3 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or

(iii) ~~,~~ if involving a financial institution, any other felony offense under this Code~~, agrees with another person to the commission of that offense on 3 or more separate occasions within an 18-month period~~;

and

(B) with respect to the other persons within the conspiracy, occupies a position of organizer, supervisor, or financier or other position of management.

(2) The person with whom the accused agreed to commit the 3 or more offenses under this Section, or, if involving a financial institution, any other felony offenses under this Code, need not be the same person or persons for each offense, as long as the accused was a part of the common scheme or plan to engage in each of the 3 or more alleged offenses.

(j) Sentence.

(1) Except as otherwise provided in this subsection, a violation of this Section, the full value of which:

(A) does not exceed $500, is a Class A misdemeanor;

(B) does not exceed $500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony;

(C) exceeds $500 but does not exceed $10,000, is a Class 3 felony;

(D) exceeds $10,000 but does not exceed $100,000, is a Class 2 felony;

(E) exceeds $100,000, is a Class 1 felony.

(2) A violation of subsection (f) is a Class 1 felony.

(3) A violation of subsection (h) is a Class 1 felony.

(4) A violation for subsection (i) is a Class X felony.

(k) A "financial crime" means an offense described in this Section.

(l) Period of limitations. The period of limitations for prosecution of any offense defined in this Section begins at the time when the last act in furtherance of the offense is committed.

(m) Forfeiture. Any violation of subdivision (2) of subsection (h) or subdivision (i)(1)(A)(ii) shall be subject to the remedies, procedures, and forfeiture as set forth in subsections (f) through (s) of Section 29B-1 of this Code.

(Source: P.A. 96-1551, eff. 7-1-11; incorporates P.A. 96-1532, eff. 1-1-12; revised 3-23-11.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect July 1, 2011.".

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 Dillard, **Senate Bill No. 2301**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Raoul
Bivins	Harmon	Link	Rezin
Bomke	Holmes	Luechtefeld	Righter
Brady	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Jacobs	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Silverstein
Cultra	Jones, E.	Millner	Steans
Delgado	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Muñoz	Trotter
Duffy	Kotowski	Murphy	Wilhelmi
Forby	LaHood	Noland	Mr. President
Frerichs	Landek	Pankau	
Garrett	Lauzen	Radogno	

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

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Steans, **House Bill No. 116**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS 5; Present 1.

The following voted in the affirmative:

Althoff	Harmon	Maloney	Sandack
Bivins	Holmes	Martinez	Sandoval
Bomke	Hunter	McCann	Schmidt
Brady	Hutchinson	Meeks	Schoenberg
Clayborne	Jacobs	Millner	Silverstein
Collins, A.	Johnson, C.	Mulroe	Steans
Collins, J.	Jones, E.	Muñoz	Sullivan
Crotty	Jones, J.	Murphy	Syverson
Cultra	Koehler	Noland	Trotter
Delgado	Kotowski	Pankau	Wilhelmi
Forby	Landek	Radogno	Mr. President
Frerichs	Lightford	Raoul	
Garrett	Link	Rezin	
Haine	Luechtefeld	Righter	

The following voted in the negative:

Duffy	LaHood	McCarter
Johnson, T.	Lauzen	

The following voted present:

Dillard

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.

On motion of Senator Steans, **House Bill No. 117**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS 3.

The following voted in the affirmative:

Althoff	Harmon	Maloney	Sandack
Bivins	Holmes	Martinez	Sandoval
Bomke	Hunter	McCann	Schmidt
Brady	Hutchinson	McCarter	Schoenberg
Clayborne	Jacobs	Meeks	Silverstein
Collins, A.	Johnson, C.	Millner	Steans
Collins, J.	Jones, E.	Mulroe	Sullivan
Crotty	Jones, J.	Muñoz	Syverson
Cultra	Koehler	Murphy	Trotter
Delgado	Kotowski	Noland	Wilhelmi

Dillard	LaHood	Pankau	Mr. President
Forby	Landek	Radogno	
Frerichs	Lightford	Raoul	
Garrett	Link	Rezin	
Haine	Luechtefeld	Righter	

The following voted in the negative:

Duffy
Johnson, T.
Lauzen

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.

On motion of Senator Steans, **House Bill No. 3639**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS 4; Present 1.

The following voted in the affirmative:

Althoff	Holmes	Martinez	Sandoval
Bomke	Hunter	McCann	Schmidt
Brady	Hutchinson	Meeks	Schoenberg
Clayborne	Johnson, C.	Millner	Silverstein
Collins, A.	Jones, E.	Mulroe	Steans
Collins, J.	Jones, J.	Muñoz	Sullivan
Crotty	Koehler	Murphy	Syverson
Cultra	Kotowski	Noland	Trotter
Delgado	LaHood	Pankau	Wilhelmi
Forby	Landek	Radogno	Mr. President
Frerichs	Lightford	Raoul	
Garrett	Link	Rezin	
Haine	Luechtefeld	Righter	
Harmon	Maloney	Sandack	

The following voted in the negative:

Duffy	Lauzen
Johnson, T.	McCarter

The following voted present:

Dillard

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.

On motion of Senator Steans, **House Bill No. 3697**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS 4; Present 1.

The following voted in the affirmative:

Althoff	Holmes	Maloney	Sandack
Bomke	Hunter	Martinez	Sandoval
Brady	Hutchinson	McCann	Schmidt
Clayborne	Jacobs	Meeks	Schoenberg
Collins, A.	Johnson, C.	Millner	Silverstein
Collins, J.	Jones, E.	Mulroe	Steans
Crotty	Jones, J.	Muñoz	Sullivan
Cultra	Koehler	Murphy	Syverson
Delgado	Kotowski	Noland	Trotter
Forby	LaHood	Pankau	Wilhelmi
Frerichs	Landek	Radogno	Mr. President
Garrett	Lightford	Raoul	
Haine	Link	Rezin	
Harmon	Luechtefeld	Righter	

The following voted in the negative:

Duffy	Lauzen
Johnson, T.	McCarter

The following voted present:

Dillard

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.

SENATE BILL RECALLED

On motion of Senator Steans, **Senate Bill No. 2357** was recalled from the order of third reading to the order of second reading.

Senator Steans offered the following amendment and moved its adoption:

AMENDMENT NO. 1 SENATE BILL 2357

AMENDMENT NO. _1_. Amend Senate Bill 2357 by deleting everything after the enacting clause and replacing it with the following:

"Section 5. In addition to any amount previously appropriated for this purpose, the following named amount, or so much thereof as may be necessary, for the objects and purposes named in this Section, are appropriated to the State Treasurer for the payment of interest on and retirement of State bonded indebtedness:

For payment of interest on any and all bonds issued pursuant to the Anti-Pollution Bond Act, the Transportation Bond Act, the Capital Development Bond Act of 1972, the School Construction Bond Act, the Illinois Coal and Energy Development Bond Act, and the General Obligation Bond Act:

From the General Obligation Bond Retirement and Interest Fund:

Interest $64,733,279

Section 99. Effective date. This Act takes effect July 1, 2011.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Steans, **Senate Bill No. 2357**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS 4.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Rezin
Bivins	Holmes	Maloney	Righter
Bomke	Hunter	Martinez	Sandack
Brady	Hutchinson	McCann	Sandoval
Clayborne	Jacobs	McCarter	Schmidt
Collins, A.	Johnson, C.	Meeks	Schoenberg
Collins, J.	Jones, E.	Millner	Silverstein
Crotty	Jones, J.	Mulroe	Steans
Delgado	Koehler	Muñoz	Sullivan
Dillard	Kotowski	Murphy	Syverson
Forby	LaHood	Noland	Trotter
Frerichs	Landek	Pankau	Wilhelmi
Garrett	Lightford	Radogno	Mr. President
Haine	Link	Raoul	

The following voted in the negative:

Cultra	Johnson, T.
Duffy	Lauzen

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

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

SENATE BILL RECALLED

On motion of Senator Steans, **Senate Bill No. 2378** was recalled from the order of third reading to the order of second reading.

Senator Steans offered the following amendment and moved its adoption:

AMENDMENT NO. 1 SENATE BILL 2378

AMENDMENT NO. __1__. Amend Senate Bill 2378 by deleting everything after the enacting clause and replacing it with the following:

"Section 5. In addition to any amount previously appropriated for this purpose, the sum of $58,032,560, or so much thereof as may be necessary, is appropriated from the General Revenue

Fund to the Board of Trustees of the State Employees Retirement System of Illinois for the State's contribution as provided by law.

Section 99. Effective date. This Act takes effect July 1, 2011.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Steans, **Senate Bill No. 2378**, 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 5; Present 1.

The following voted in the affirmative:

Althoff	Holmes	Maloney	Sandack
Bivins	Hunter	Martinez	Sandoval
Bomke	Hutchinson	McCann	Schmidt
Brady	Jacobs	Meeks	Schoenberg
Clayborne	Johnson, C.	Millner	Silverstein
Collins, A.	Jones, E.	Mulroe	Steans
Collins, J.	Jones, J.	Muñoz	Sullivan
Crotty	Koehler	Murphy	Syverson
Delgado	Kotowski	Noland	Trotter
Forby	LaHood	Pankau	Wilhelmi
Frerichs	Landek	Radogno	Mr. President
Garrett	Lightford	Raoul	
Haine	Link	Rezin	
Harmon	Luechtefeld	Righter	

The following voted in the negative:

Cultra	Johnson, T.	McCarter
Duffy	Lauzen	

The following voted present:

Dillard

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 Silverstein, **Senate Bill No. 64** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 64

AMENDMENT NO. 2. Amend Senate Bill 64, AS AMENDED, by replacing all of subsection (a-7) of Sec. 17-2 of Section 5 with the following:

"(a-7) A person commits a false personation when he or she knowingly and falsely represents himself or herself to be:

(1) another actual person and does an act in such assumed character with intent to intimidate, threaten, injure, defraud, or to obtain a benefit from another; or

(2) a representative of an actual person or organization and does an act in such false capacity with intent to obtain a benefit or to injure or defraud another."; and

by inserting after the last line of subsection (d) of Sec. 17-2 of Section 5 the following:

"(e) A violation of this Section may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication."; and

by replacing all of subsection (b-5) of Sec. 32-5 of Section 5 with the following:

"(b-5) The trier of fact may infer that a person falsely represents himself or herself to be a public officer or a public employee or an official or employee of the federal government if the person:

(1) wears or displays without authority any uniform, badge, insignia, or facsimile thereof by which a public officer or public employee or official or employee of the federal government is lawfully distinguished; or

(2) falsely expresses by word or action that he or she is a public officer or public employee or official or employee of the federal government and is acting with approval or authority of a public agency or department.".

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 Silverstein, **Senate Bill No. 64**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Raoul
Bivins	Harmon	Link	Rezin
Bomke	Holmes	Luechtefeld	Righter
Brady	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Jacobs	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Silverstein
Cultra	Jones, E.	Millner	Steans
Delgado	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Muñoz	Syverson
Duffy	Kotowski	Murphy	Trotter
Forby	LaHood	Noland	Wilhelmi
Frerichs	Landek	Pankau	Mr. President
Garrett	Lauzen	Radogno	

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 Garrett, **Senate Bill No. 43** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 43

AMENDMENT NO. 1. Amend Senate Bill 43 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Taxation Disclosure Act.

Section 5. Legislative purpose. The intent of the General Assembly is to make citizen access to State and local tax rates as open, transparent, and publicly accessible as is feasible. Increasing the ease of public access to State and local tax rates significantly contributes to governmental accountability, public participation, and the understanding of the cost of government services. Therefore, the General Assembly directs the Department to create and maintain a database of tax rates for taxing districts in the State.

Section 10. Definitions. As used in this Act, "Department" means the Department of Revenue.

Section 15. Tax rate database.

(a) The Department shall make tax rate information publicly available on its Internet website. The tax rate information shall include rate information on income, property, use and occupation, and excise taxes.

(b) Tax rate information for use and occupation taxes administered by the Department shall include the tax rate applicable in a municipality or the unincorporated area of a county and list the individual rates that comprise the aggregate rate in that municipality or in the unincorporated area of that county.

(c) Beginning with the 2008 levy year, and for every subsequent levy year, tax rate information for property taxes shall include the name of each taxing district, a list of all funds for which taxes were extended and the corresponding tax rate for each fund, and the district's total tax rate. The Department may also include such other property tax information that it determines is necessary to achieve the purpose set forth in Section 5 of this Act. This information shall be made available in a viewable and downloadable format on the effective date of this Act and shall be updated on January 1 of each subsequent year with the most recent tax rate information available.

(d) Tax rate information for income taxes shall include the individual income tax rate as well as the corporate income tax rate. This information shall be made available in a viewable and downloadable format on the effective date of this Act and shall be updated on January 1 of each subsequent year with the most recent tax rate information available.

(e) Tax rate information for excise taxes shall include the statewide rates as well as local rates for taxes administered by the Department. This information shall be made available in a viewable and downloadable format on the effective date of this Act and shall be updated on January 1 and July 1 of each subsequent year with the most recent tax rate information available.

Section 99. Effective date. This Act takes effect January 1, 2012.".

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 Garrett, **Senate Bill No. 43**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Sandack
Bivins	Harmon	Luechtefeld	Sandoval
Bomke	Holmes	Maloney	Schmidt
Brady	Hunter	Martinez	Schoenberg
Clayborne	Hutchinson	McCann	Silverstein
Collins, A.	Johnson, C.	McCarter	Steans
Collins, J.	Johnson, T.	Meeks	Sullivan
Crotty	Jones, E.	Mulroe	Syverson
Cultra	Jones, J.	Muñoz	Trotter
Delgado	Koehler	Murphy	Wilhelmi
Dillard	Kotowski	Noland	Mr. President
Duffy	LaHood	Radogno	
Forby	Landek	Raoul	
Frerichs	Lauzen	Rezin	
Garrett	Lightford	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 72** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 2 was withdrawn by the sponsor.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Haine, **Senate Bill No. 72**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 45; NAYS 10.

The following voted in the affirmative:

Althoff	Harmon	Maloney	Schmidt
Brady	Holmes	Martinez	Schoenberg
Clayborne	Hunter	Meeks	Silverstein
Collins, A.	Hutchinson	Mulroe	Steans
Collins, J.	Jacobs	Muñoz	Sullivan
Crotty	Johnson, T.	Murphy	Syverson
Delgado	Jones, E.	Noland	Trotter
Dillard	Koehler	Radogno	Wilhelmi
Forby	Kotowski	Raoul	Mr. President

Frerichs	LaHood	Rezin	
Garrett	Landek	Sandack	
Haine	Lightford	Sandoval	

The following voted in the negative:

Bivins	Duffy	Lauzen	Righter
Bomke	Johnson, C.	McCann	
Cultra	Jones, J.	McCarter	

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 Haine, **Senate Bill No. 73**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Luechtefeld	Righter
Bomke	Holmes	Maloney	Sandack
Brady	Hunter	Martinez	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, A.	Jacobs	McCarter	Schoenberg
Collins, J.	Johnson, C.	Meeks	Silverstein
Crotty	Johnson, T.	Millner	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	

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 Steans, **Senate Bill No. 79**, 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; Present 1.

The following voted in the affirmative:

Althoff	Garrett	Lauzen	Rezin
Bivins	Haine	Lightford	Righter
Bomke	Holmes	Luechtefeld	Sandack

Brady	Hunter	Maloney	Schmidt
Clayborne	Hutchinson	Martinez	Schoenberg
Collins, A.	Jacobs	McCann	Silverstein
Collins, J.	Johnson, C.	McCarter	Steans
Crotty	Johnson, T.	Meeks	Syverson
Cultra	Jones, E.	Muñoz	Wilhelmi
Delgado	Jones, J.	Murphy	Mr. President
Dillard	Koehler	Noland	
Duffy	Kotowski	Pankau	
Forby	LaHood	Radogno	
Frerichs	Landek	Raoul	

The following voted present:

Sandoval

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

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

SENATE BILL RECALLED

On motion of Senator Wilhelmi, **Senate Bill No. 83** was recalled from the order of third reading to the order of second reading.

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 83

AMENDMENT NO. _2_. Amend Senate Bill 83, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Labor Relations Act is amended by changing Section 3 as follows:

(5 ILCS 315/3) (from Ch. 48, par. 1603)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Board" means the Illinois Labor Relations Board or, with respect to a matter over which the jurisdiction of the Board is assigned to the State Panel or the Local Panel under Section 5, the panel having jurisdiction over the matter.

(b) "Collective bargaining" means bargaining over terms and conditions of employment, including hours, wages, and other conditions of employment, as detailed in Section 7 and which are not excluded by Section 4.

(c) "Confidential employee" means an employee who, in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies.

(d) "Craft employees" means skilled journeymen, crafts persons, and their apprentices and helpers.

(e) "Essential services employees" means those public employees performing functions so essential that the interruption or termination of the function will constitute a clear and present danger to the health and safety of the persons in the affected community.

(f) "Exclusive representative", except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, means the labor organization that has been (i) designated by the Board as the representative of a majority of public employees in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before July 1, 1984 (the effective date of this Act) as the exclusive representative of the employees in an appropriate bargaining unit, (iii) after July 1, 1984 (the effective date of this Act) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the employees in an appropriate bargaining

unit; (iv) recognized as the exclusive representative of personal care attendants or personal assistants under Executive Order 2003-8 prior to the effective date of this amendatory Act of the 93rd General Assembly, and the organization shall be considered to be the exclusive representative of the personal care attendants or personal assistants as defined in this Section; or (v) recognized as the exclusive representative of child and day care home providers, including licensed and license exempt providers, pursuant to an election held under Executive Order 2005-1 prior to the effective date of this amendatory Act of the 94th General Assembly, and the organization shall be considered to be the exclusive representative of the child and day care home providers as defined in this Section.

With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, "exclusive representative" means the labor organization that has been (i) designated by the Board as the representative of a majority of peace officers or fire fighters in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before January 1, 1986 (the effective date of this amendatory Act of 1985) as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit, or (iii) after January 1, 1986 (the effective date of this amendatory Act of 1985) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit.

Where a historical pattern of representation exists for the workers of a water system that was owned by a public utility, as defined in Section 3-105 of the Public Utilities Act, prior to becoming certified employees of a municipality or municipalities once the municipality or municipalities have acquired the water system as authorized in Section 11-124-5 of the Illinois Municipal Code, the Board shall find the labor organization that has historically represented the workers to be the exclusive representative under this Act, and shall find the unit represented by the exclusive representative to be the appropriate unit.

(g) "Fair share agreement" means an agreement between the employer and an employee organization under which all or any of the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly required of members. The amount certified by the exclusive representative shall not include any fees for contributions related to the election or support of any candidate for political office. Nothing in this subsection (g) shall preclude an employee from making voluntary political contributions in conjunction with his or her fair share payment.

(g-1) "Fire fighter" means, for the purposes of this Act only, any person who has been or is hereafter appointed to a fire department or fire protection district or employed by a state university and sworn or commissioned to perform fire fighter duties or paramedic duties, except that the following persons are not included: part-time fire fighters, auxiliary, reserve or voluntary fire fighters, including paid on-call fire fighters, clerks and dispatchers or other civilian employees of a fire department or fire protection district who are not routinely expected to perform fire fighter duties, or elected officials.

(g-2) "General Assembly of the State of Illinois" means the legislative branch of the government of the State of Illinois, as provided for under Article IV of the Constitution of the State of Illinois, and includes but is not limited to the House of Representatives, the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Joint Committee on Legislative Support Services and any legislative support services agency listed in the Legislative Commission Reorganization Act of 1984.

(h) "Governing body" means, in the case of the State, the State Panel of the Illinois Labor Relations Board, the Director of the Department of Central Management Services, and the Director of the Department of Labor; the county board in the case of a county; the corporate authorities in the case of a municipality; and the appropriate body authorized to provide for expenditures of its funds in the case of any other unit of government.

(i) "Labor organization" means any organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public employer concerning wages, hours, and other terms and conditions of employment, including the settlement of grievances.

(j) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of management policies and practices.

(k) "Peace officer" means, for the purposes of this Act only, any persons who have been or are hereafter appointed to a police force, department, or agency and sworn or commissioned to perform police duties, except that the following persons are not included: part-time police officers, special police

officers, auxiliary police as defined by Section 3.1-30-20 of the Illinois Municipal Code, night watchmen, "merchant police", court security officers as defined by Section 3-6012.1 of the Counties Code, temporary employees, traffic guards or wardens, civilian parking meter and parking facilities personnel or other individuals specially appointed to aid or direct traffic at or near schools or public functions or to aid in civil defense or disaster, parking enforcement employees who are not commissioned as peace officers and who are not armed and who are not routinely expected to effect arrests, parking lot attendants, clerks and dispatchers or other civilian employees of a police department who are not routinely expected to effect arrests, or elected officials.

(l) "Person" includes one or more individuals, labor organizations, public employees, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or the State of Illinois or any political subdivision of the State or governing body, but does not include the General Assembly of the State of Illinois or any individual employed by the General Assembly of the State of Illinois.

(m) "Professional employee" means any employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical or physical work; involving the consistent exercise of discretion and adjustment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any employee who has completed the courses of specialized intellectual instruction and study prescribed in this subsection (m) and is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in this subsection (m).

(n) "Public employee" or "employee", for the purposes of this Act, means any individual employed by a public employer, including (i) interns and residents at public hospitals, (ii) as of the effective date of this amendatory Act of the 93rd General Assembly, but not before, personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act, and (iii) as of the effective date of this amendatory Act of the 94th General Assembly, but not before, child and day care home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code, but excluding all of the following: employees of the General Assembly of the State of Illinois; elected officials; executive heads of a department; members of boards or commissions; the Executive Inspectors General; any special Executive Inspectors General; employees of each Office of an Executive Inspector General; commissioners and employees of the Executive Ethics Commission; the Auditor General's Inspector General; employees of the Office of the Auditor General's Inspector General; the Legislative Inspector General; any special Legislative Inspectors General; employees of the Office of the Legislative Inspector General; commissioners and employees of the Legislative Ethics Commission; employees of any agency, board or commission created by this Act; employees appointed to State positions of a temporary or emergency nature; all employees of school districts and higher education institutions except firefighters and peace officers employed by a state university and except peace officers employed by a school district in its own police department in existence on the effective date of this amendatory Act of the 96th General Assembly; managerial employees; short-term employees; confidential employees; independent contractors; and supervisors except as provided in this Act.

Personal care attendants and personal assistants shall not be considered public employees for any purposes not specifically provided for in the amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/).

Child and day care home providers shall not be considered public employees for any purposes not specifically provided for in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

Notwithstanding Section 9, subsection (c), or any other provisions of this Act, all peace officers above the rank of captain in municipalities with more than 1,000,000 inhabitants shall be excluded from this Act.

(o) Except as otherwise in subsection (o-5), "public employer" or "employer" means the State of

Illinois; any political subdivision of the State, unit of local government or school district; authorities including departments, divisions, bureaus, boards, commissions, or other agencies of the foregoing entities; and any person acting within the scope of his or her authority, express or implied, on behalf of those entities in dealing with its employees. As of the effective date of the amendatory Act of the 93rd General Assembly, but not before, the State of Illinois shall be considered the employer of the personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act. The State shall not be considered to be the employer of personal care attendants and personal assistants for any purposes not specifically provided for in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/). As of the effective date of this amendatory Act of the 94th General Assembly but not before, the State of Illinois shall be considered the employer of the day and child care home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided for in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

"Public employer" or "employer" as used in this Act, however, does not mean and shall not include the General Assembly of the State of Illinois, the Executive Ethics Commission, the Offices of the Executive Inspectors General, the Legislative Ethics Commission, the Office of the Legislative Inspector General, the Office of the Auditor General's Inspector General, and educational employers or employers as defined in the Illinois Educational Labor Relations Act, except with respect to a state university in its employment of firefighters and peace officers and except with respect to a school district in the employment of peace officers in its own police department in existence on the effective date of this amendatory Act of the 96th General Assembly. County boards and county sheriffs shall be designated as joint or co-employers of county peace officers appointed under the authority of a county sheriff. Nothing in this subsection (o) shall be construed to prevent the State Panel or the Local Panel from determining that employers are joint or co-employers.

(o-5) With respect to wages, fringe benefits, hours, holidays, vacations, proficiency examinations, sick leave, and other conditions of employment, the public employer of public employees who are court reporters, as defined in the Court Reporters Act, shall be determined as follows:

(1) For court reporters employed by the Cook County Judicial Circuit, the chief judge of the Cook County Circuit Court is the public employer and employer representative.

(2) For court reporters employed by the 12th, 18th, 19th, and, on and after December 4, 2006, the 22nd judicial circuits, a group consisting of the chief judges of those circuits, acting jointly by majority vote, is the public employer and employer representative.

(3) For court reporters employed by all other judicial circuits, a group consisting of the chief judges of those circuits, acting jointly by majority vote, is the public employer and employer representative.

(p) "Security employee" means an employee who is responsible for the supervision and control of inmates at correctional facilities. The term also includes other non-security employees in bargaining units having the majority of employees being responsible for the supervision and control of inmates at correctional facilities.

(q) "Short-term employee" means an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable assurance that he or she will be rehired by the same employer for the same service in a subsequent calendar year.

(r) "Supervisor" is an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. Except with respect to police employment, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising that authority, State supervisors notwithstanding. In addition, in determining supervisory status in police employment, rank shall not be determinative. The Board shall consider, as evidence of bargaining unit inclusion or exclusion, the common law enforcement policies and relationships between police officer ranks and certification under applicable civil service law,

ordinances, personnel codes, or Division 2.1 of Article 10 of the Illinois Municipal Code, but these factors shall not be the sole or predominant factors considered by the Board in determining police supervisory status.

Notwithstanding the provisions of the preceding paragraph, in determining supervisory status in fire fighter employment, no fire fighter shall be excluded as a supervisor who has established representation rights under Section 9 of this Act. Further, in new fire fighter units, employees shall consist of fire fighters of the rank of company officer and below. If a company officer otherwise qualifies as a supervisor under the preceding paragraph, however, he or she shall not be included in the fire fighter unit. If there is no rank between that of chief and the highest company officer, the employer may designate a position on each shift as a Shift Commander, and the persons occupying those positions shall be supervisors. All other ranks above that of company officer shall be supervisors.

(s) (1) "Unit" means a class of jobs or positions that are held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining. Except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both employees and supervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on July 1, 1984 (the effective date of this Act). With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both supervisors and nonsupervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on January 1, 1986 (the effective date of this amendatory Act of 1985). A bargaining unit determined by the Board to contain peace officers shall contain no employees other than peace officers unless otherwise agreed to by the employer and the labor organization or labor organizations involved. Notwithstanding any other provision of this Act, a bargaining unit, including a historical bargaining unit, containing sworn peace officers of the Department of Natural Resources (formerly designated the Department of Conservation) shall contain no employees other than such sworn peace officers upon the effective date of this amendatory Act of 1990 or upon the expiration date of any collective bargaining agreement in effect upon the effective date of this amendatory Act of 1990 covering both such sworn peace officers and other employees.

(2) Notwithstanding the exclusion of supervisors from bargaining units as provided in paragraph (1) of this subsection (s), a public employer may agree to permit its supervisory employees to form bargaining units and may bargain with those units. This Act shall apply if the public employer chooses to bargain under this subsection.

(3) Public employees who are court reporters, as defined in the Court Reporters Act, shall be divided into 3 units for collective bargaining purposes. One unit shall be court reporters employed by the Cook County Judicial Circuit; one unit shall be court reporters employed by the 12th, 18th, 19th, and, on and after December 4, 2006, the 22nd judicial circuits; and one unit shall be court reporters employed by all other judicial circuits.

(Source: P.A. 95-331, eff. 8-21-07; 96-1257, eff. 7-23-10.)

Section 10. The Illinois Municipal Code is amended by changing Section 11-124-5 as follows:

(65 ILCS 5/11-124-5)

Sec. 11-124-5. Acquisition of water systems by eminent domain.

(a) In addition to other provisions providing for the acquisition of water systems or water works, whenever a public utility subject to the Public Utilities Act utilizes public property (including, but not limited to, right-of-way) of a municipality for the installation or maintenance of all or part of its water distribution system, the municipality has the right to exercise eminent domain to acquire all or part of the water system, in accordance with this Section. Unless it complies with the provisions set forth in this Section, a municipality is not permitted to acquire by eminent domain that portion of a system located in another incorporated municipality without agreement of that municipality, but this provision shall not prevent the acquisition of that portion of the water system existing within the acquiring municipality.

(b) Where a water system that is owned by a public utility (as defined in the Public 16 Utilities Act) provides water to customers located in 2 or more municipalities, the system may be acquired by a majority ~~either or all~~ of the municipalities by eminent domain ~~if there is in existence an intergovernmental agreement between the municipalities served providing for acquisition~~. If the system is to be acquired by more than one municipality, then there must be an intergovernmental agreement in existence between the acquiring municipalities providing for the acquisition.

(c) If a water system that is owned by a public utility provides water to customers located in one or more municipalities and also to customers in an unincorporated area and if at least 70% of the customers of the system or portion thereof are located within the municipality or municipalities, then the system, or portion thereof as determined by the corporate authorities, may be acquired, using eminent domain or otherwise, by either a municipality under subsection (a) or an entity created by agreement between municipalities where at least 70% of the customers reside. For the purposes of determining "customers of the system", only retail customers directly billed by the company shall be included in the computation. The number of customers of the system most recently reported to the Illinois Commerce Commission for any calendar year preceding the year a resolution is passed by a municipality or municipalities expressing preliminary intent to purchase the water system or portion thereof shall be presumed to be the total number of customers within the system. The public utility shall provide information relative to the number of customers within each municipality and within the system within 60 days after any such request by a municipality.

(d) In the case of acquisition by a municipality or municipalities or a public entity created by law to own or operate a water system under this Section, service and water supply must be provided to persons who are customers of the system on the effective date of this amendatory Act of the 94th General Assembly without discrimination based on whether the customer is located within or outside of the boundaries of the acquiring municipality or municipalities or entity, and a supply contract existing on the effective date of this amendatory Act of the 94th General Assembly must be honored by an acquiring municipality, municipalities, or entity according to the terms so long as the agreement does not conflict with any other existing agreement.

(e) For the purposes of this Section, "system" includes all assets reasonably necessary to provide water service to a contiguous or compact geographical service area or to an area served by a common pipeline and include, but are not limited to, interests in real estate, all wells, pipes, treatment plants, pumps and other physical apparatus, data and records of facilities and customers, fire hydrants, equipment, or vehicles and also includes service agreements and obligations derived from use of the assets, whether or not the assets are contiguous to the municipality, municipalities, or entity created for the purpose of owning or operating a water system.

(f) Before making a good faith offer, a municipality may pass a resolution of intent to study the feasibility of purchasing or exercising its power of eminent domain to acquire any water system or water works, sewer system or sewer works, or combined water and sewer system or works, or part thereof. Upon the passage of such a resolution, the municipality shall have the right to review and inspect all financial and other records, and both corporeal and incorporeal assets of such utility related to the condition and the operation of the system or works, or part thereof, as part of the study and determination of feasibility of the proposed acquisition by purchase or exercise of the power of eminent domain, and the utility shall make knowledgeable persons who have access to all relevant facts and information regarding the subject system or works available to answer inquiries related to the study and determination.

The right to review and inspect shall be upon reasonable notice to the utility, with reasonable inspection and review time limitations and reasonable response times for production, copying, and answer. In addition, the utility may utilize a reasonable security protocol for personnel on the municipality's physical inspection team.

In the absence of other agreement, the utility must respond to any notice by the municipality concerning its review and inspection within 21 days after receiving the notice. The review and inspection of the assets of the company shall be over such period of time and carried out in such manner as is reasonable under the circumstances.

Information requested that is not privileged or protected from discovery under the Illinois Code of Civil Procedure but is reasonably claimed to be proprietary, including, without limitation, information that constitutes trade secrets or information that involves system security concerns, shall be provided, but shall not be considered a public record and shall be kept confidential by the municipality.

In addition, the municipality must, upon request, reimburse the utility for the actual, reasonable costs and expenses, excluding attorneys' fees, incurred by the utility as a result of the municipality's inspection and requests for information. Upon written request, the utility shall issue a statement itemizing, with reasonable detail, the costs and expenses for which reimbursement is sought by the utility. Where such written request for a statement has been made, no payment shall be required until 30 days after receipt of the statement. Such reimbursement by the municipality shall be considered income for purposes of any rate proceeding or other financial request before the Illinois Commerce Commission by the utility.

The municipality and the utility shall cooperate to resolve any dispute arising under this subsection. In the event the dispute under this subsection cannot be resolved, either party may request relief from the

circuit court in any county in which the water system is located, with the prevailing party to be awarded such relief as the court deems appropriate under the discovery abuse sanctions currently set forth in the Illinois Code of Civil Procedure.

The municipality's right to inspect physical assets and records in connection with the purpose of this Section shall not be exercised with respect to any system more than one time during a 5-year period, unless a substantial change in the size of the system or condition of the operating assets of the system has occurred since the previous inspection. Rights under franchise agreements and other agreements or statutory or regulatory provisions are not limited by this Section and are preserved.

The passage of time between an inspection of the utilities and physical assets and the making of a good faith offer or initiation of an eminent domain action because of the limit placed on inspections by this subsection shall not be used as a basis for challenging the good faith of any offer or be used as the basis for attacking any appraisal, expert, argument, or position before a court related to an acquisition by purchase or eminent domain.

(g) Notwithstanding any other provision of law, the Illinois Commerce Commission has no approval authority of any eminent domain action brought by any governmental entity or combination of such entities to acquire water systems or water works.

(h) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(i) This Section does not apply to any public utility company that, on January 1, 2006, supplied a total of 70,000 or fewer meter connections in the State unless and until (i) that public utility company receives approval from the Illinois Commerce Commission under Section 7-204 of the Public Utilities Act for the reorganization of the public utility company or (ii) the majority control of the company changes through a stock sale, a sale of assets, a merger (other than an internal reorganization) or otherwise. For the purpose of this Section, "public utility company" means the public utility providing water service and includes any of its corporate parents, subsidiaries, or affiliates possessing a franchised water service in the State.

(j) Any contractor or subcontractor that performs work on a water system acquired by a municipality or municipalities under this Section shall comply with the requirements of Section 30-22 of the Illinois Procurement Code. The contractor or subcontractor shall submit evidence of compliance with Section 30-22 to the municipality or municipalities.

(k) The municipality or municipalities acquiring the water system shall offer available employee positions to the qualified employees of the acquired water system.

(Source: P.A. 94-1007, eff. 1-1-07.)

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 Wilhelmi, **Senate Bill No. 83**, 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 21.

The following voted in the affirmative:

Althoff	Hunter	Martinez	Schoenberg
Collins, J.	Hutchinson	Meeks	Silverstein
Crotty	Jacobs	Mulroe	Steans
Delgado	Johnson, T.	Noland	Sullivan
Dillard	Jones, E.	Pankau	Trotter
Forby	Koehler	Raoul	Wilhelmi
Garrett	Kotowski	Sandack	Mr. President

Harmon	Landek	Sandoval
Holmes	Lightford	Schmidt

The following voted in the negative:

Bivins	Haine	Maloney	Rezin
Bomke	Johnson, C.	McCann	Righter
Clayborne	Jones, J.	McCarter	Syverson
Cultra	LaHood	Muñoz	
Duffy	Lauzen	Murphy	
Frerichs	Luechtefeld	Radogno	

This roll call verified.

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

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

On motion of Senator Althoff, **Senate Bill No. 91**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Luechtefeld	Righter
Bomke	Holmes	Maloney	Sandack
Brady	Hunter	Martinez	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Jacobs	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Silverstein
Cultra	Jones, E.	Mulroe	Steans
Delgado	Jones, J.	Muñoz	Sullivan
Dillard	Koehler	Murphy	Syverson
Duffy	Kotowski	Noland	Trotter
Forby	LaHood	Pankau	Wilhelmi
Frerichs	Landek	Radogno	Mr. President
Garrett	Lauzen	Raoul	

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. 92** 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 92

AMENDMENT NO. 2. Amend Senate Bill 92, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 as follows:

on page 1, line 11, after the period, by inserting "The value of the real property shall be determined by a written appraisal performed by a State-certified real estate appraiser that shall be available for public inspection.".

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. 92**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Sandack
Bivins	Holmes	Maloney	Sandoval
Bomke	Hunter	Martinez	Schmidt
Brady	Hutchinson	McCann	Schoenberg
Clayborne	Jacobs	McCarter	Silverstein
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Mulroe	Sullivan
Cultra	Jones, E.	Muñoz	Syverson
Delgado	Jones, J.	Murphy	Trotter
Dillard	Koehler	Noland	Wilhelmi
Duffy	Kotowski	Pankau	Mr. President
Forby	LaHood	Radogno	
Frerichs	Landek	Raoul	
Garrett	Lauzen	Rezin	
Haine	Lightford	Righter	

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

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

On motion of Senator Radogno, **Senate Bill No. 98**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Sandack
Bivins	Holmes	Maloney	Sandoval
Bomke	Hunter	Martinez	Schmidt
Brady	Hutchinson	McCann	Schoenberg
Clayborne	Jacobs	McCarter	Silverstein
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Mulroe	Sullivan

Cultra	Jones, E.	Muñoz	Syverson
Delgado	Jones, J.	Murphy	Trotter
Dillard	Koehler	Noland	Wilhelmi
Duffy	Kotowski	Pankau	Mr. President
Forby	LaHood	Radogno	
Frerichs	Landek	Raoul	
Garrett	Lauzen	Rezin	
Haine	Lightford	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Kotowski, **Senate Bill No. 106** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was postponed in the Committee on Human Services.

Senator Kotowski offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 106

AMENDMENT NO. _2_. Amend Senate Bill 106 as follows:

on page 5, line 17, by inserting after the period the following:

"If requested by the professional, the Department shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation.".

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 Kotowski, **Senate Bill No. 106**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lauzen	Rezin
Bivins	Harmon	Lightford	Righter
Bomke	Holmes	Luechtefeld	Sandack
Brady	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, J.	Jacobs	McCann	Schoenberg
Crotty	Johnson, C.	McCarter	Silverstein
Cultra	Johnson, T.	Mulroe	Steans
Delgado	Jones, E.	Muñoz	Sullivan
Dillard	Jones, J.	Murphy	Syverson
Duffy	Koehler	Noland	Trotter
Forby	Kotowski	Pankau	Wilhelmi

Frerichs	LaHood	Radogno	Mr. President
Garrett	Landek	Raoul	

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 McCann, **Senate Bill No. 109**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lauzen	Rezin
Bivins	Harmon	Lightford	Righter
Bomke	Holmes	Luechtefeld	Sandack
Brady	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, J.	Jacobs	McCann	Schoenberg
Crotty	Johnson, C.	McCarter	Silverstein
Cultra	Johnson, T.	Mulroe	Steans
Delgado	Jones, E.	Muñoz	Sullivan
Dillard	Jones, J.	Murphy	Syverson
Duffy	Koehler	Noland	Trotter
Forby	Kotowski	Pankau	Wilhelmi
Frerichs	LaHood	Radogno	Mr. President
Garrett	Landek	Raoul	

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

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

On motion of Senator Harmon, **Senate Bill No. 1652**, 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:

Althoff	Haine	Luechtefeld	Righter
Bivins	Harmon	Maloney	Sandack
Bomke	Holmes	Martinez	Sandoval
Brady	Hunter	McCann	Schmidt
Clayborne	Hutchinson	McCarter	Schoenberg
Collins, J.	Jacobs	Meeks	Silverstein
Crotty	Johnson, C.	Mulroe	Steans
Cultra	Jones, E.	Muñoz	Sullivan
Delgado	Jones, J.	Murphy	Syverson
Dillard	Koehler	Noland	Trotter
Duffy	LaHood	Pankau	Wilhelmi

Forby	Landek	Radogno	Mr. President
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	

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

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

On motion of Senator Sandoval, **Senate Bill No. 115**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 36; NAYS 18.

The following voted in the affirmative:

Brady	Hutchinson	Maloney	Silverstein
Clayborne	Jacobs	Martinez	Steans
Collins, J.	Johnson, C.	Meeks	Sullivan
Crotty	Jones, E.	Mulroe	Trotter
Delgado	Koehler	Muñoz	Wilhelmi
Forby	Kotowski	Noland	Mr. President
Frerichs	LaHood	Raoul	
Haine	Landek	Rezin	
Harmon	Lightford	Sandoval	
Hunter	Luechtefeld	Schoenberg	

The following voted in the negative:

Althoff	Duffy	McCann	Righter
Bivins	Holmes	McCarter	Sandack
Bomke	Johnson, T.	Murphy	Schmidt
Cultra	Jones, J.	Pankau	
Dillard	Lauzen	Radogno	

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 12:40 o'clock p.m., Senator Harmon, presiding.

On motion of Senator Sandoval, **Senate Bill No. 122**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 30; NAYS 20.

The following voted in the affirmative:

Althoff	Hunter	Martinez	Silverstein
Clayborne	Hutchinson	Meeks	Steans
Collins, J.	Jones, E.	Mulroe	Sullivan

Crotty	Koehler	Muñoz	Trotter
Delgado	Kotowski	Noland	Wilhelmi
Dillard	Landek	Pankau	Mr. President
Forby	Lightford	Raoul	
Harmon	Maloney	Schoenberg	

The following voted in the negative:

Bivins	Holmes	Luechtefeld	Schmidt
Bomke	Johnson, C.	McCann	Syverson
Brady	Johnson, T.	McCarter	
Cultra	Jones, J.	Murphy	
Duffy	LaHood	Righter	
Haine	Lauzen	Sandack	

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 Sandoval asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 122**.

On motion of Senator Sandoval, **Senate Bill No. 123**, 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:

Althoff	Haine	Maloney	Sandoval
Bivins	Harmon	Martinez	Schmidt
Bomke	Holmes	McCann	Schoenberg
Brady	Hunter	McCarter	Silverstein
Clayborne	Hutchinson	Meeks	Steans
Collins, J.	Johnson, C.	Mulroe	Sullivan
Crotty	Johnson, T.	Muñoz	Syverson
Cultra	Jones, E.	Murphy	Trotter
Delgado	Koehler	Noland	Wilhelmi
Dillard	Kotowski	Pankau	Mr. President
Duffy	LaHood	Raoul	
Forby	Landek	Rezin	
Frerichs	Lauzen	Righter	
Garrett	Lightford	Sandack	

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 Raoul, **Senate Bill No. 150** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 150

AMENDMENT NO. 2. Amend Senate Bill 150 by replacing the title with the following:

"AN ACT concerning education, which may be referred to as the Protecting Our Student Athletes Act."; and

by replacing everything after the enacting clause with the following:

"Section 3. The Park District Code is amended by adding Section 8-24 as follows:

(70 ILCS 1205/8-24 new)

Sec. 8-24. Concussion and head injury educational materials. In addition to the other powers and authority now possessed by it, any park district is authorized and encouraged to make available to residents and users of park district facilities, including youth athletic programs, electronically or in written form, educational materials that describe the nature and risk of concussion and head injuries, including the advisability of removal of youth athletes that exhibit signs, symptoms, or behaviors consistent with a concussion, such as a loss of consciousness, headache, dizziness, confusion, or balance problems, from a practice or game. These educational materials may include materials produced or distributed by the Illinois High School Association, those produced by the U.S. Centers for Disease Control and Prevention, or other comparable materials. The intent of these materials is to assist in educating coaches, youth athletes, and parents and guardians of youth athletes about the nature and risks of head injuries.

Section 5. The School Code is amended by adding Sections 10-20.53 and 34-18.45 as follows:

(105 ILCS 5/10-20.53 new)

Sec. 10-20.53. Student athletes; concussions and head injuries.

(a) The General Assembly recognizes all of the following:

(1) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The Centers for Disease Control and Prevention estimates that as many as 3,900,000 sports-related and recreation-related concussions occur in the United States each year. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death are significant when a concussion or head injury is not properly evaluated and managed.

(2) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority of concussions occur without loss of consciousness.

(3) Continuing to play with a concussion or symptoms of a head injury leaves a young athlete especially vulnerable to greater injury and even death. The General Assembly recognizes that, despite having generally recognized return-to-play standards for concussions and head injuries, some affected youth athletes are prematurely returned to play, resulting in actual or potential physical injury or death to youth athletes in this State.

(b) Each school board shall adopt a policy regarding student athlete concussions and head injuries that is in compliance with the protocols, policies, and by-laws of the Illinois High School Association. Information on the school board's concussion and head injury policy must be a part of any agreement, contract, code, or other written instrument that a school district requires a student athlete and his or her parents or guardian to sign before participating in practice or interscholastic competition.

(c) The Illinois High School Association shall make available to all school districts, including elementary school districts, education materials, such as visual presentations and other written materials, that describe the nature and risk of concussions and head injuries. Each school district shall use education materials provided by the Illinois High School Association to educate coaches, student athletes, and parents and guardians of student athletes about the nature and risk of concussions and head injuries, including continuing play after a concussion or head injury.

(105 ILCS 5/34-18.45 new)

Sec. 34-18.45. Student athletes; concussions and head injuries.

(a) The General Assembly recognizes all of the following:

(1) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The Centers for Disease Control and Prevention estimates that as many as 3,900,000 sports-related and recreation-related concussions occur in the United States

each year. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death are significant when a concussion or head injury is not properly evaluated and managed.

(2) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority of concussions occur without loss of consciousness.

(3) Continuing to play with a concussion or symptoms of a head injury leaves a young athlete especially vulnerable to greater injury and even death. The General Assembly recognizes that, despite having generally recognized return-to-play standards for concussions and head injuries, some affected youth athletes are prematurely returned to play, resulting in actual or potential physical injury or death to youth athletes in this State.

(b) The board shall adopt a policy regarding student athlete concussions and head injuries that is in compliance with the protocols, policies, and by-laws of the Illinois High School Association. Information on the board's concussion and head injury policy must be a part of any agreement, contract, code, or other written instrument that the school district requires a student athlete and his or her parents or guardian to sign before participating in practice or interscholastic competition.

(c) The Illinois High School Association shall make available to the school district education materials, such as visual presentations and other written materials, that describe the nature and risk of concussions and head injuries. The school district shall use education materials provided by the Illinois High School Association to educate coaches, student athletes, and parents and guardians of student athletes about the nature and risk of concussions and head injuries, including continuing play after a concussion or head injury.

Section 99. Effective date. This Act takes effect July 1, 2011.".

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 Raoul, **Senate Bill No. 150**, 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:

Bivins	Harmon	Luechtefeld	Sandack
Bomke	Holmes	Maloney	Sandoval
Brady	Hunter	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Radogno	Mr. President
Frerichs	Landek	Raoul	
Garrett	Lauzen	Rezin	
Haine	Lightford	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 152** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 152

AMENDMENT NO. 1. Amend Senate Bill 152 on page 1, line 9, immediately after "claims", by inserting "in the amount of $10,000 or less".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 152

AMENDMENT NO. 2. Amend Senate Bill 152 on page 1, by replacing line 19 with the following:

"issues of automotive physical damage liability and automotive physical damages.".

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 BILLS OF THE SENATE A THIRD TIME

On motion of Senator Haine, **Senate Bill No. 152**, 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:

Althoff	Haine	Lightford	Sandack
Bivins	Harmon	Luechtefeld	Sandoval
Bomke	Holmes	Maloney	Schmidt
Brady	Hunter	Martinez	Schoenberg
Clayborne	Hutchinson	McCann	Silverstein
Collins, J.	Johnson, C.	McCarter	Steans
Crotty	Johnson, T.	Meeks	Sullivan
Cultra	Jones, E.	Mulroe	Syverson
Delgado	Jones, J.	Muñoz	Trotter
Dillard	Koehler	Noland	Wilhelmi
Duffy	Kotowski	Radogno	Mr. President
Forby	LaHood	Raoul	
Frerichs	Landek	Rezin	
Garrett	Lauzen	Righter	

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

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

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

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Righter
Bivins	Harmon	Luechtefeld	Sandack
Bomke	Holmes	Maloney	Sandoval
Brady	Hunter	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Radogno	Mr. President
Frerichs	Landek	Raoul	
Garrett	Lauzen	Rezin	

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

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

SENATE BILL RECALLED

On motion of Senator Raoul, **Senate Bill No. 265** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 265

AMENDMENT NO. 1. Amend Senate Bill 265 by replacing everything after the enacting clause with the following:

"Section 5. The Sex Offender Management Board Act is amended by changing Section 15 as follows:
(20 ILCS 4026/15)

Sec. 15. Sex Offender Management Board; creation; duties.

(a) There is created the Sex Offender Management Board, which shall consist of 20 ~~24~~ members. The membership of the Board shall consist of the following persons:

(1) Two members appointed by the Governor representing the judiciary, one representing juvenile court matters and one representing adult criminal court matters;

(2) One member appointed by the Governor representing Probation Services based on the recommendation of the Illinois Probation and Court Services Association;

(3) One member appointed by the Governor representing the Department of Corrections;

(4) One member appointed by the Governor representing the Department of Human Services;

(5) One member appointed by the Governor representing the Illinois State Police;

(6) One member appointed by the Governor representing the Department of Children and Family Services;

(7) One member appointed by the Attorney General representing the Office of the Attorney

General;

(8) One member ~~Two members~~ appointed by the Attorney General who is a ~~are~~ licensed mental health professional ~~professionals~~ with documented expertise in the treatment of sex offenders;

(9) Two members appointed by the Attorney General who are State's Attorneys or assistant State's Attorneys, one representing juvenile court matters and one representing felony court matters;

(10) One member being the Cook County State's Attorney or his or her designee;

(11) One member being the Director of the State's Attorneys Appellate Prosecutor or his or her designee;

(12) One member being the Cook County Public Defender or his or her designee;

(13) Two members appointed by the Governor who are representatives of law enforcement, one juvenile officer and one sex crime investigator;

(14) Two members appointed by the Attorney General who are recognized experts in the field of sexual assault and who can represent sexual assault victims and victims' rights organizations;

(15) One member being the State Appellate Defender or his or her designee; and

~~(16) One member being the President of the Illinois Polygraph Society or his or her designee;~~

(16) ~~(17)~~ One member being the Executive Director of the Criminal Justice Information Authority or his or her designee. ~~;~~

~~(18) One member being the President of the Illinois Chapter of the Association for the Treatment of Sexual Abusers or his or her designee; and~~

~~(19) One member representing the Illinois Principal Association.~~

(b) The Governor and the Attorney General shall appoint a presiding officer for the Board from among the board members appointed under subsection (a) of this Section, which presiding officer shall serve at the pleasure of the Governor and the Attorney General.

(c) Each member of the Board shall demonstrate substantial expertise and experience in the field of sexual assault.

(d) (1) Any member of the Board created in subsection (a) of this Section who is appointed under paragraphs (1) through (7) of subsection (a) of this Section shall serve at the pleasure of the official who appointed that member, for a term of 5 years and may be reappointed. The members shall serve without additional compensation.

(2) Any member of the Board created in subsection (a) of this Section who is appointed under paragraphs (8) through (14) of subsection (a) of this Section shall serve for a term of 5 years and may be reappointed. However, the terms of the members appointed under paragraphs (8) of subsection (a) of this Section shall end on the effective date of this amendatory Act of the 97th General Assembly. Within 30 days after the effective date of this amendatory Act of the 97th General Assembly, the Attorney General shall appoint a member under paragraph (8) of subsection (a) of this Section to fill the vacancy created by this amendatory Act of the 97th General Assembly. A person who has previously served as a member of the Board may be reappointed. The terms of the President of the Illinois Polygraph Society or his or her designee, the President of the Illinois Chapter of the Association for the Treatment of Sexual Abusers or his or her designee, and the member representing the Illinois Principal Association end on the effective date of this amendatory Act of the 97th General Assembly. The members shall serve without compensation.

(3) The travel costs associated with membership on the Board created in subsection (a) of this Section will be reimbursed subject to availability of funds.

(e) The first meeting of this Board shall be held within 45 days of the effective date of this Act.

(f) The Board shall carry out the following duties:

(1) Not later than December 31, 2001, the Board shall develop and prescribe separate standardized procedures for the evaluation and identification of the offender and recommend behavior management, monitoring, and treatment based upon the knowledge that sex offenders are extremely habituated and that there is no known cure for the propensity to commit sex abuse. The Board shall develop and implement measures of success based upon a no-cure policy for intervention. The Board shall develop and implement methods of intervention for sex offenders which have as a priority the physical and psychological safety of victims and potential victims and which are appropriate to the needs of the particular offender, so long as there is no reduction of the safety of victims and potential victims.

(2) Not later than December 31, 2001, the Board shall develop separate guidelines and standards for a system of programs for the evaluation and treatment of both juvenile and adult sex offenders which shall be utilized by offenders who are placed on probation, committed to the Department of Corrections or Department of Human Services, or placed on mandatory supervised

release or parole. The programs developed under this paragraph (f) shall be as flexible as possible so that the programs may be utilized by each offender to prevent the offender from harming victims and potential victims. The programs shall be structured in such a manner that the programs provide a continuing monitoring process as well as a continuum of counseling programs for each offender as that offender proceeds through the justice system. Also, the programs shall be developed in such a manner that, to the extent possible, the programs may be accessed by all offenders in the justice system.

(3) There is established the Sex Offender Management Board Fund in the State Treasury into which funds received under any provision of law or from public or private sources shall be deposited, and from which funds shall be appropriated for the purposes set forth in Section 19 of this Act, Section 5-6-3 of the Unified Code of Corrections, and Section 3 of the Sex Offender Registration Act, and the remainder shall be appropriated to the Sex Offender Management Board for planning and research.

(4) The Board shall develop and prescribe a plan to research and analyze the effectiveness of the evaluation, identification, and counseling procedures and programs developed under this Act. The Board shall also develop and prescribe a system for implementation of the guidelines and standards developed under paragraph (2) of this subsection (f) and for tracking offenders who have been subjected to evaluation, identification, and treatment under this Act. In addition, the Board shall develop a system for monitoring offender behaviors and offender adherence to prescribed behavioral changes. The results of the tracking and behavioral monitoring shall be a part of any analysis made under this paragraph (4).

(g) The Board may promulgate rules as are necessary to carry out the duties of the Board.

(h) The Board and the individual members of the Board shall be immune from any liability, whether civil or criminal, for the good faith performance of the duties of the Board as specified in this Section. (Source: P.A. 93-616, eff. 1-1-04.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Raoul, **Senate Bill No. 265**, 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:

Althoff	Harmon	Maloney	Sandack
Bivins	Holmes	Martinez	Sandoval
Bomke	Hunter	McCann	Schmidt
Clayborne	Hutchinson	McCarter	Schoenberg
Collins, J.	Johnson, C.	Meeks	Silverstein
Crotty	Johnson, T.	Mulroe	Steans
Cultra	Jones, E.	Muñoz	Sullivan
Delgado	Koehler	Murphy	Syverson
Dillard	Kotowski	Noland	Wilhelmi
Duffy	LaHood	Pankau	Mr. President
Forby	Landek	Radogno	
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	
Haine	Luechtefeld	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Wilhelmi, **Senate Bill No. 266** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was postponed in the Committee on Revenue.

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 266

AMENDMENT NO. 2. Amend Senate Bill 266 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Lottery Law is amended by adding Sections 10.9 and 21.9 as follows:

(20 ILCS 1605/10.9 new)

Sec. 10.9. Specialty retailer license for community senior services and resource centers.

(a) The Division shall establish a special classification of retailer license to facilitate the year-round sale of the instant scratch-off lottery game established under Section 21.9 of this Act. The fees set forth in Section 10.2 of this Act do not apply to a specialty retailer license. The holder of a specialty retailer license shall: (i) be a community senior services and resource center as established under the Community Senior Services and Resources Act; (ii) only sell instant scratch-off lottery tickets established under Section 21.9 of this Act; (iii) be required to purchase those instant scratch-off lottery tickets at face value from the Illinois Lottery; and (iv) only sell those tickets at face value. Specialty retailer licensees may obtain a refund from the Division for any unsold instant scratch-off lottery tickets that they have purchased for resale, as set forth in the specialty retailer agreement.

(b) A specialty retailer licensee shall receive a sales commission equal to 2% of the face value of specialty game tickets purchased from the Department, less adjustments for unsold tickets returned to the Illinois Lottery for credit. A specialty retailer licensee may not cash winning tickets, but are entitled to a 1% bonus in connection with the sale of a winning specialty game ticket having a price value of $1,000 or more.

(20 ILCS 1605/21.9 new)

Sec. 21.9. Scratch-off for Seniors.

(a) The Department shall offer a special instant scratch-off game for the benefit of Illinois seniors with the title of "Scratch-off for Seniors". The game shall commence on July 1, 2011 or as soon thereafter, at the discretion of the Director, as is reasonably practical. The operation of the game shall be governed by this Act and any rules adopted by the Department. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The net revenue from the Scratch-Off for Seniors game shall be deposited into the Community Senior Services and Resources Fund for appropriation by the General Assembly to the Department of Aging for the purpose of making grants to community senior services and resource centers as established under the Community Senior Services and Resources Act.

Moneys collected from the Scratch-Off for Seniors game shall be used only as supplemental financial resources and shall not supplant existing moneys that the Department on Aging may currently expend on community senior services and resource centers.

Moneys received for the purposes of this Section, including, without limitation, net revenue from the Scratch-Off for Seniors game and from gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

For purposes of this subsection (b), "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in prizes and the actual administrative expenses of the Department solely related to the Scratch-Off for Seniors game under this Section.

(c) The Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game as a result of selling tickets for the Scratch-Off for Seniors game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Wilhelmi, **Senate Bill No. 266**, 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 31; NAYS 18; Present 2.

The following voted in the affirmative:

Clayborne	Holmes	Maloney	Schoenberg
Crotty	Hunter	Martinez	Silverstein
Delgado	Hutchinson	Mulroe	Steans
Forby	Jones, E.	Muñoz	Sullivan
Frerichs	Koehler	Noland	Trotter
Garrett	Kotowski	Raoul	Wilhelmi
Haine	Landek	Sandack	Mr. President
Harmon	Lightford	Sandoval	

The following voted in the negative:

Bivins	Johnson, T.	McCann	Rezin
Cultra	Jones, J.	McCarter	Righter
Dillard	LaHood	Murphy	Schmidt
Duffy	Lauzen	Pankau	
Johnson, C.	Luechtefeld	Radogno	

The following voted present:

Althoff
Meeks

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 Sullivan, **Senate Bill No. 170** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 170

AMENDMENT NO. __1__. Amend Senate Bill 170 by replacing everything after the enacting clause with the following:

"Section 5. The Disabled Persons Rehabilitation Act is amended by changing Sections 10 and 13 as follows:

(20 ILCS 2405/10) (from Ch. 23, par. 3441)

Sec. 10. Residential schools; visual and hearing handicaps.

(a) The Department of Human Services shall operate residential schools for the education of children with visual and hearing handicaps who are unable to take advantage of the regular educational facilities provided in the community, and shall provide in connection therewith such academic, vocational, and related services as may be required. Children shall be eligible for admission to these schools only after proper diagnosis and evaluation, in accordance with procedures prescribed by the Department.

(a-5) The Superintendent of the Illinois School for the Deaf shall be the chief executive officer of, and shall be responsible for the day to day operations of, the School, and shall obtain educational and professional employees who are certified by the Illinois State Board of Education or licensed by the appropriate agency or entity to which licensing authority has been delegated, as well as all other employees of the School, subject to the provisions of the Personnel Code and any applicable collective bargaining agreement. The Superintendent shall be appointed by the Governor, by and with the advice and consent of the Senate. In the case of a vacancy in the office of Superintendent during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified. The Superintendent shall hold office for a term of 4 years from the third Monday in January of each odd numbered year and until the officer's successor is appointed and qualified. The Superintendent shall devote his or her full time to the duties of the office, shall not serve in any other capacity during his or her term of office, and shall receive such compensation as the Governor shall determine. The Superintendent shall have an administrative certificate with a superintendent endorsement as provided for under Section 21-7.1 of the School Code, and shall have degrees in both educational administration and deaf education, together with at least 20 years of experience in either deaf education, the administration of deaf education, or a combination of the 2.

(a-10) The Superintendent of the Illinois School for the Visually Impaired shall be the chief executive officer of, and shall be responsible for the day to day operations of, the School, and shall obtain educational and professional employees who are certified by the Illinois State Board of Education or licensed by the appropriate agency or entity to which licensing authority has been delegated, as well as all other employees of the School, subject to the provisions of the Personnel Code and any applicable collective bargaining agreement. The Superintendent shall be appointed by the Governor, by and with the advice and consent of the Senate. In the case of a vacancy in the office of Superintendent during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified. The Superintendent shall hold office for a term of 4 years from the third Monday in January of each odd numbered year and until the officer's successor is appointed and qualified. The Superintendent shall devote his or her full time to the duties of the office, shall not serve in any other capacity during his or her term of office, and shall receive such compensation as the Governor shall determine. The Superintendent shall have an administrative certificate with a superintendent endorsement as provided for under Section 21-7.1 of the School Code, and shall have degrees in both educational administration and blind or visually impaired education, together with at least 20 years of experience in either blind or visually impaired education, the administration of blind or visually impaired education, or a combination of the 2.

(b) In administering the Illinois School for the Deaf, the Department shall adopt an admission policy which permits day or residential enrollment, when resources are sufficient, of children with hearing handicaps who are able to take advantage of the regular educational facilities provided in the community and thus unqualified for admission under subsection (a). In doing so, the Department shall establish an annual deadline by which shall be completed the enrollment of children qualified under subsection (a) for admission to the Illinois School for the Deaf. After the deadline, the Illinois School for the Deaf may enroll other children with hearing handicaps at the request of their parents or guardians if the Department determines there are sufficient resources to meet their needs as well as the needs of children enrolled before the deadline and children qualified under subsection (a) who may be enrolled after the deadline on an emergency basis. The Department shall adopt any rules and regulations necessary for the implementation of this subsection.

(c) In administering the Illinois School for the Visually Impaired, the Department shall adopt an admission policy that permits day or residential enrollment, when resources are sufficient, of children with visual handicaps who are able to take advantage of the regular educational facilities provided in the community and thus unqualified for admission under subsection (a). In doing so, the Department shall

establish an annual deadline by which the enrollment of children qualified under subsection (a) for admission to the Illinois School for the Visually Impaired shall be completed. After the deadline, the Illinois School for the Visually Impaired may enroll other children with visual handicaps at the request of their parents or guardians if the Department determines there are sufficient resources to meet their needs as well as the needs of children enrolled before the deadline and children qualified under subsection (a) who may be enrolled after the deadline on an emergency basis. The Department shall adopt any rules and regulations necessary for the implementation of this subsection.
(Source: P.A. 89-264, eff. 8-10-95; 89-507, eff. 7-1-97.)

(20 ILCS 2405/13) (from Ch. 23, par. 3444)

Sec. 13. The Department shall have all powers reasonable and necessary for the administration of institutions for persons with one or more disabilities under subsection (f) of Section 3 of this Act, including, but not limited to, the authority to do the following:

(a) Appoint and remove the superintendents of the institutions operated by the Department, except for those superintendents whose appointment and removal is provided for under Section 10 of this Act; obtain all other employees subject to the provisions of the Personnel Code, except for educational and professional employees of the Illinois School for the Deaf and the Illinois School for the Visually Impaired who are certified by the Illinois State Board of Education or licensed by the appropriate agency or entity to which licensing authority has been delegated, and all other employees of the Schools who are obtained by the superintendents as provided under Section 10 of this Act, subject to the provisions of the Personnel Code and any applicable collective bargaining agreement; and conduct staff training programs for the development and improvement of services.

(b) Provide supervision, housing accommodations, board or the payment of boarding costs, tuition, and treatment free of charge, except as otherwise specified in this Act, for residents of this State who are cared for in any institution, or for persons receiving services under any program under the jurisdiction of the Department. Residents of other states may be admitted upon payment of the costs of board, tuition, and treatment as determined by the Department; provided, that no resident of another state shall be received or retained to the exclusion of any resident of this State. The Department shall accept any donation for the board, tuition, and treatment of any person receiving service or care.

(c) Cooperate with the State Board of Education and the Department of Children and Family Services in a program to provide for the placement, supervision, and foster care of children with handicaps who must leave their home community in order to attend schools offering programs in special education.

(d) Assess and collect (i) student activity fees and (ii) charges to school districts for transportation of students required under the School Code and provided by the Department. The Department shall direct the expenditure of all money that has been or may be received by any officer of the several State institutions under the direction and supervision of the Department as profit on sales from commissary stores, student activity fees, or charges for student transportation. The money shall be deposited into a locally held fund and expended under the direction of the Department for the special comfort, pleasure, and amusement of residents and employees and the transportation of residents, provided that amounts expended for comfort, pleasure, and amusement of employees shall not exceed the amount of profits derived from sales made to employees by the commissaries, as determined by the Department.

Funds deposited with State institutions under the direction and supervision of the Department by or for residents of those State institutions shall be deposited into interest-bearing accounts, and money received as interest and income on those funds shall be deposited into a "needy student fund" to be held and administered by the institution. Money in the "needy student fund" shall be expended for the special comfort, pleasure, and amusement of the residents of the particular institution where the money is paid or received.

Any money belonging to residents separated by death, discharge, or unauthorized absence from institutions described under this Section, in custody of officers of the institutions, may, if unclaimed by the resident or the legal representatives of the resident for a period of 2 years, be expended at the direction of the Department for the purposes and in the manner specified in this subsection (d). Articles of personal property, with the exception of clothing left in the custody of those officers, shall, if unclaimed for the period of 2 years, be sold and the money disposed of in the same manner.

Clothing left at the institution by residents at the time of separation may be used as determined by the institution if unclaimed by the resident or legal representatives of the resident within 30 days after notification.

(e) Keep, for each institution under the jurisdiction of the Department, a register of the number of officers, employees, and residents present each day in the year, in a form that will permit a calculation of the average number present each month.

(f) (Blank).

(g) (Blank).

(h) (Blank).

(i) Accept and hold in behalf of the State, if for the public interest, a grant, gift, or legacy of money or property to the State of Illinois, to the Department, or to any institution or program of the Department made in trust for the maintenance or support of a resident of an institution of the Department, or for any other legitimate purpose connected with any such institution or program. The Department shall cause each gift, grant, or legacy to be kept as a distinct fund, and shall invest the gift, grant, or legacy in the manner provided by the laws of this State as those laws now exist or shall hereafter be enacted relating to securities in which the deposits in savings banks may be invested. The Department may, however, in its discretion, deposit in a proper trust company or savings bank, during the continuance of the trust, any fund so left in trust for the life of a person and shall adopt rules and regulations governing the deposit, transfer, or withdrawal of the fund. The Department shall, on the expiration of any trust as provided in any instrument creating the trust, dispose of the fund thereby created in the manner provided in the instrument. The Department shall include in its required reports a statement showing what funds are so held by it and the condition of the funds. Monies found on residents at the time of their admission, or accruing to them during their period of institutional care, and monies deposited with the superintendents by relatives, guardians, or friends of residents for the special comfort and pleasure of a resident, shall remain in the possession of the superintendents, who shall act as trustees for disbursement to, in behalf of, or for the benefit of the resident. All types of retirement and pension benefits from private and public sources may be paid directly to the superintendent of the institution where the person is a resident, for deposit to the resident's trust fund account.

(j) Appoint, subject to the Personnel Code, persons to be members of a police and security force. Members of the police and security force shall be peace officers and as such have all powers possessed by policemen in cities and sheriffs, including the power to make arrests on view or warrants of violations of State statutes or city or county ordinances. These powers may, however, be exercised only in counties of more than 500,000 population when required for the protection of Department properties, interests, and personnel, or specifically requested by appropriate State or local law enforcement officials. Members of the police and security force may not serve and execute civil processes.

(k) Maintain, and deposit receipts from the sale of tickets to athletic, musical, and other events, fees for participation in school sponsored tournaments and events, and revenue from student activities relating to charges for art and woodworking projects, charges for automobile repairs, and other revenue generated from student projects into, locally held accounts not to exceed $20,000 per account for the purposes of (i) providing immediate payment to officials, judges, and athletic referees for their services rendered and for other related expenses at school sponsored contests, tournaments, or events, (ii) providing payment for expenses related to student revenue producing activities such as art and woodworking projects, automotive repair work, and other student activities or projects that generate revenue and incur expenses, and (iii) providing students who are enrolled in an independent living program with cash so that they may fulfill course objectives by purchasing commodities and other required supplies.

(l) Advance moneys from its appropriations to be maintained in locally held accounts at the schools to establish (i) a "Student Compensation Account" to pay students for work performed under the student work program, and (ii) a "Student Activity Travel Account" to pay transportation, meals, and lodging costs of students, coaches, and activity sponsors while traveling off campus for sporting events, lessons, and other activities directly associated with the representation of the school. Funds in the "Student Compensation Account" shall not exceed $20,000, and funds in the "Student Activity Travel Account" shall not exceed $200,000.

(m) Promulgate rules of conduct applicable to the residents of institutions for persons with one or more disabilities. The rules shall include specific standards to be used by the Department to determine (i) whether financial restitution shall be required in the event of losses or damages resulting from a resident's action and (ii) the ability of the resident and the resident's parents to pay restitution.

(Source: P.A. 94-887, eff. 6-20-06.)

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 Sullivan, **Senate Bill No. 170**, 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:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Luechtefeld	Righter
Bomke	Holmes	Maloney	Sandack
Brady	Hunter	Martinez	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	

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 Hutchinson, **Senate Bill No. 269** was recalled from the order of third reading to the order of second reading.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 269

AMENDMENT NO. 1. Amend Senate Bill 269 by replacing everything after the enacting clause with the following:

"Section 5. The State Comptroller Act is amended by adding Section 23.9 as follows:
(15 ILCS 405/23.9 new)

Sec. 23.9. Minority Contractor Opportunity Initiative. The State Comptroller Minority Contractor Opportunity Initiative is created to provide greater opportunities for minority-owned businesses, female-owned businesses, businesses owned by persons with disabilities, and small businesses with 20 or fewer employees in this State to participate in the State procurement process. The initiative shall be administered by the Comptroller. Under this initiative, the Comptroller is responsible for the following: (i) outreach to minority-owned businesses, female-owned businesses, businesses owned by persons with disabilities, and small businesses capable of providing services to the State; (ii) education of minority-owned businesses, female-owned businesses, businesses owned by persons with disabilities, and small businesses concerning State contracting and procurement; (iii) notification of minority-owned businesses, female-owned businesses, businesses owned by persons with disabilities, and small businesses of State contracting opportunities; and (iv) maintenance of an online database of State contracts that identifies the contracts awarded to minority-owned businesses, female-owned businesses, businesses owned by persons with disabilities, and small businesses that includes the total amount paid by State agencies to contractors and the percentage paid to minority-owned businesses, female-owned

businesses, businesses owned by persons with disabilities, and small businesses.

The Comptroller shall work with the Business Enterprise Council created under Section 5 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act to fulfill the Comptroller's responsibilities under this Section. The Comptroller may rely on the Business Enterprise Council's identification of minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities.

The Comptroller shall annually prepare and submit a report to the Governor and the General Assembly concerning the progress of this initiative including the following information for the preceding calendar year: (i) a statement of the total amounts paid by each executive branch agency to contractors since the previous report; (ii) the percentage of the amounts that were paid to minority-owned businesses, female-owned businesses, businesses owned by persons with disabilities, and small businesses; (iii) the successes achieved and the challenges faced by the Comptroller in operating outreach programs for minorities, women, persons with disabilities, and small businesses; (iv) the challenges each executive branch agency may face in hiring qualified minority, female, disabled, and small business employees and contracting with qualified minority-owned businesses, female-owned businesses, businesses owned by persons with disabilities, and small businesses; and (iv) any other information, findings, conclusions, and recommendations for legislative or agency action, as the Comptroller deems appropriate.

On and after the effective date of this amendatory Act of the 97th General Assembly, any bidder or offeror awarded a contract of $1,000 or more under Section 20-10, 20-15, 20-25, or 20-30 of the Illinois Procurement Code is required to pay a fee of $15 to cover expenses related to the administration of this Section. The Comptroller shall deduct the fee from the first check issued to the vendor under the contract and deposit the fee into the Comptroller's Administrative Fund.

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 Hutchinson, **Senate Bill No. 269**, 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:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Luechtefeld	Righter
Bomke	Holmes	Maloney	Sandack
Brady	Hunter	Martinez	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	

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 Clayborne, **Senate Bill No. 397** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 397

AMENDMENT NO. 1. Amend Senate Bill 397 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by adding Section 2505-660 as follows:

(20 ILCS 2505/2505-660 new)

Sec. 2505-660. Collection of delinquent debts; housing authority. Upon certification by a housing authority of the amounts of delinquent debts, the Department of Revenue may collect the delinquent debts by intercepting the tax refund of any person owing the delinquent debts. The Department of Revenue shall enter into an agreement with the housing authority as provided in Section 8.1d of the Housing Authorities Act prior to undertaking any collections under this Section. Any agreement between the Department of Revenue and the housing authority for the intercept of tax refunds shall contain provisions for certification of debt, notification to the taxpayer of the intercept, and treatment of joint returns that are consistent with the requirements for a refund withholding request under Section 8.1d of the Housing Authorities Act.

Section 10. The Illinois Income Tax Act is amended by changing Section 911.3 as follows:

(35 ILCS 5/911.3)

Sec. 911.3. Refunds withheld; order of honoring requests. The Department shall honor refund withholding requests in the following order:

(1) a refund withholding request to collect an unpaid State tax;

(2) a refund withholding request to collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law of the Civil Administrative Code of Illinois;

(3) a refund withholding request to collect any debt owed to the State;

(4) a refund withholding request made by the Secretary of the Treasury of the United States, or his or her delegate, to collect any tax liability arising from Title 26 of the United States Code;

(5) a refund withholding request pursuant to Section 911.2 of this Act; ~~and~~

(6) a refund withholding request to collect certified past due fees owed to the Clerk of the Circuit Court as authorized under Section 2505-655 of the Department of Revenue Law of the Civil Administrative Code of Illinois; and ~~.~~

(7) a refund withholding request to collect a delinquent debt owed to a housing authority as authorized under Section 2505-660 of the Department of Revenue Law of the Civil Administrative Code of Illinois

(Source: P.A. 92-826, eff. 8-21-02; 93-836, eff. 1-1-05.)

Section 15. The Housing Authorities Act is amended by adding Section 8.1d as follows:

(310 ILCS 10/8.1d new)

Sec. 8.1d. Collection of debt; setoff program.

(a) Definitions. As used in this Section:

"Debtor" means a person having a delinquent debt with a housing authority which has not been adjusted, satisfied, or set aside by court order, or discharged in bankruptcy.

"Delinquent debt" means a sum which has been reduced to judgment in a final court order and is due and owing a housing authority, including collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or other legal theory. "Delinquent

debt" does not include sums owed to a housing authority when the housing authority and the debtor have entered into a written payment agreement and the debtor is current in meeting the obligations of the agreement. "Delinquent debt" also includes any fine, penalty, cost, fee, assessment, surcharge, service charge, restitution, or other amount imposed by a court or as a direct consequence of a final court order which is received by or payable to the clerk of the appropriate court or treasurer of the entity where the court is located.

"Refund" means any individual Illinois income tax refund payable. "Refund" also includes a refund belonging to a debtor resulting from the filing of a joint income tax return.

(b) Collection of debt; information to be given by housing authority; information to be given by Department of Revenue to housing authority.

(1) The collection remedy under this Section is in addition to any other remedy available by law.

(2) Housing authorities may submit for collection under the procedure established by this Section all delinquent debts which they are owed.

(3) All housing authorities, whenever possible, shall obtain the full name, social security number, address, and any other identifying information, required by rules promulgated by the Department of Revenue for implementation of this Section, from any person for whom the housing authorities provide any service or transact any business and who the housing authorities can foresee may become a debtor under the terms of this Section.

(4) Upon request from a housing authority, the Department of Revenue shall furnish to the housing authority any information the Department of Revenue deems necessary to properly notify the debtor.

(c) Choice of housing authority as to use of or participation in setoff program. If the housing authority determines that the administrative cost of utilizing this Section is prohibitive, it may choose not to participate in the setoff program, or it may choose to participate only in cases of delinquent debts above an amount it determines appropriate.

(d) Department of Revenue to assist in collection of delinquent debt by setoff of any refunds due to debtor. Subject to the limitations contained in this Section, the Department of Revenue, upon request, shall render assistance in the collection of any delinquent debt owing to any housing authority by setting off any refunds due the debtor from the Department of Revenue by the sum certified by the housing authority as delinquent debt.

(e) Notification by housing authority; refund determinations; Department of Revenue liability.

(1) A housing authority seeking to attempt collection of a delinquent debt through setoff shall notify the Department of Revenue in writing and supply information the Department of Revenue determines necessary to identify the debtor whose refund is sought to be set off. A request for setoff may be made only after the housing authority has notified the debtor of its intention to cause the debtor's refund to be set off. The housing authority shall promptly notify the debtor when the liability out of which the setoff arises is satisfied. The housing authority shall promptly notify the Department of Revenue of a reduction in the delinquent debt.

(2) Upon receiving the certification of the housing authority of the amount of the delinquent debt, the Department of Revenue shall determine if the debtor is due a refund. If the debtor is due a refund of more than a tolerance amount as determined by the Department of Revenue, the Department of Revenue shall set off the delinquent debt against the amount of the refund. The Department of Revenue may retain an amount not to exceed $25 of each refund set off to defray its administrative expenses, and that amount may be added to the debt. Apportionment is not required in the case of a refund resulting from filing a joint return. A person has no property right or property interest in a refund until all amounts due the State and housing authorities are paid. The Department of Revenue shall consider a delinquent debt and debtor list provided by a housing authority as correct and the Department of Revenue is not liable for a wrongful or improper setoff.

(f) Notice of intention to set off debt; form, delivery and presumption. The notice of intention to set off must be given by mailing the notice, with postage prepaid, addressed to the debtor at the address provided to the housing authority when the debt was incurred or at the debtor's last known address. If the notice is returned to the housing authority as undeliverable or the housing authority has any reason to believe the debtor did not receive the notice, the housing authority shall obtain the last known address of the debtor from the Department of Revenue and resend the notice. The giving of the notice by mail is complete upon mailing the notice or resending the notice if the notice is returned to the housing authority as undeliverable or the housing authority has any reason to believe the debtor did not receive the notice. A certification by the housing authority that the notice has been sent is presumptive proof that the requirements as to notice are met, even if the notice actually has not been received by the debtor. The notice must include a statement substantially as follows:

"According to our records, you owe the (housing authority) a debt in the amount of (amount of the

debt), plus interest, if applicable, for (type of debt). You are hereby notified of the (housing authority's) intention to submit this debt to the Illinois Department of Revenue of Revenue to be set off against your individual income tax refunds until the debt is paid in full. Pursuant to Section 8.1d of the Housing Authorities Act, Section 2505-660 of the Department of Revenue Law of the Civil Administrative Code of Illinois, and Section 911.3 of the Illinois Income Tax Act, this amount, plus $25 in administrative costs, will be deducted from your Illinois individual income tax refunds unless you fully satisfy this debt with the (housing authority). If you file a joint return with your spouse, this amount will be deducted from the total joint refunds without regard to which spouse incurred the debt or actually withheld the taxes."

(g) Agreements; credit to debtor's obligation by housing authority; notification of housing authority to debtor of setoff.

(1) A housing authority may enter into an agreement with the Department of Revenue to establish a program for the purpose of collecting certain delinquent debts. The purpose shall be to intercept, in whole or in part, State income tax refunds due the persons who owe delinquent debts to the housing authority in order to satisfy delinquent debts. The agreement shall include, but may not be limited to, a certification by the housing authority that the debt claims forwarded to the Department of Revenue are valid, that reasonable efforts have been made to notify persons of the delinquency of the debts, and that the delinquent debts have been reduced to judgment in a final court order. The agreement shall include provisions for payment of the intercept by the Department of Revenue to the housing authority. The agreement may also include provisions to allow the Department of Revenue to recover its cost for administering the program. Intercepts made pursuant to this Section shall not interfere with the collection of debts related to child support. During the collection of debts under this Section, when there are 2 or more debt claims certified to the Department of Revenue at the same time, priority of collection shall be as provided in Section 911.3 of the Illinois Income Tax Act.

(2) Upon receipt by a housing authority of proceeds collected on its behalf by the Department of Revenue the housing authority shall credit the debtor's obligation and shall notify the debtor in writing of the amount of the setoff.

(3) The Department of Revenue may add an administrative fee of no more than $25 to the delinquent debt. This fee shall be used by the Department of Revenue to cover any administrative costs pursuant to this Section.

(h) Information from Department of Revenue to be used only by housing authority for collection purposes; penalties for disclosure.

(1) The exchange of information among the Department of Revenue, housing authority, and the debtor pursuant to this Section is lawful.

(2) The information obtained by a housing authority from the Department of Revenue in accordance with the exemption allowed by paragraph (1) may be used by the housing authority only in the pursuit of its debt collection duties and practices. A person employed by or formerly employed by the housing authority who knowingly discloses the information for another purpose commits a Class A misdemeanor.

(i) Indemnification of Department of Revenue by housing authority. Housing authorities shall indemnify the Department of Revenue against any injuries, actions, liabilities, or proceedings arising from performance under the provisions of this Section.

(j) Department of Revenue rules, forms, and procedures permitted. The Department of Revenue may promulgate rules and prescribe forms and procedures necessary to implement this Section.".

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 Clayborne, **Senate Bill No. 397**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Righter
Bivins	Harmon	Maloney	Sandack
Bomke	Holmes	Martinez	Sandoval
Brady	Hunter	McCann	Schmidt
Clayborne	Hutchinson	McCarter	Schoenberg
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Mulroe	Sullivan
Cultra	Jones, E.	Muñoz	Trotter
Delgado	Jones, J.	Murphy	Wilhelmi
Dillard	Koehler	Noland	Mr. President
Duffy	Kotowski	Pankau	
Forby	LaHood	Radogno	
Frerichs	Landek	Raoul	
Garrett	Lauzen	Rezin	

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

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

SENATE BILL RECALLED

On motion of Senator Hutchinson, **Senate Bill No. 401** was recalled from the order of third reading to the order of second reading.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 401

AMENDMENT NO. 1. Amend Senate Bill 401 by replacing everything after the enacting clause with the following:

"Section 5. The Use Tax Act is amended by changing Section 3-55 as follows:

(35 ILCS 105/3-55) (from Ch. 120, par. 439.3-55)

Sec. 3-55. Multistate exemption. To prevent actual or likely multistate taxation, the tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property by interstate carriers for-hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for-hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(c) The use, in this State, by owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(d) The use, in this State, of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another State in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other State.

(e) The temporary storage, in this State, of tangible personal property that is acquired outside this

State and that, after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(f) The temporary storage in this State of building materials and fixtures that are acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and that the purchaser thereafter uses outside this State by incorporating that property into real estate located outside this State.

(g) The use or purchase of tangible personal property by a common carrier by rail or motor that receives the physical possession of the property in Illinois, and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(h) Except as provided in subsection (h-1), the use, in this State, of a motor vehicle that was sold in this State to a nonresident, even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred shall be prima facie evidence that the motor vehicle will not be titled in this State.

(h-1) The exemption under subsection (h) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for the use in that state of a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this subsection (h-1) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(h-2) The following exemptions apply with respect to certain aircraft:

(1) Beginning on July 1, 2007, no tax is imposed under this Act on the purchase of an aircraft, as defined in Section 3 of the Illinois Aeronautics Act, if all of the following conditions are met:

(A) the aircraft leaves this State within 15 days after the later of either the issuance of the final billing for the purchase of the aircraft or the authorized approval for return to service, completion of the maintenance record entry, and completion of the test flight and ground test for inspection, as required by 14 C.F.R. 91.407;

(B) the aircraft is not based or registered in this State after the purchase of the aircraft; and

(C) the purchaser provides the Department with a signed and dated certification, on a form prescribed by the Department, certifying that the requirements of this item (1) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require.

(2) Beginning on July 1, 2007, no tax is imposed under this Act on the use of an aircraft, as defined in Section 3 of the Illinois Aeronautics Act, that is temporarily located in this State for the purpose of a prepurchase evaluation if all of the following conditions are met:

(A) the aircraft is not based or registered in this State after the prepurchase evaluation; and

(B) the purchaser provides the Department with a signed and dated certification, on a form prescribed by the Department, certifying that the requirements of this item (2) are met. The

certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require.

(3) Beginning on July 1, 2007, no tax is imposed under this Act on the use of an aircraft, as defined in Section 3 of the Illinois Aeronautics Act, that is temporarily located in this State for the purpose of a post-sale customization if all of the following conditions are met:

(A) the aircraft leaves this State within 15 days after the authorized approval for return to service, completion of the maintenance record entry, and completion of the test flight and ground test for inspection, as required by 14 C.F.R. 91.407;

(B) the aircraft is not based or registered in this State either before or after the post-sale customization; and

(C) the purchaser provides the Department with a signed and dated certification, on a form prescribed by the Department, certifying that the requirements of this item (3) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require.

If tax becomes due under this subsection (h-2) because of the purchaser's use of the aircraft in this State, the purchaser shall file a return with the Department and pay the tax on the fair market value of the aircraft. This return and payment of the tax must be made no later than 30 days after the aircraft is used in a taxable manner in this State. The tax is based on the fair market value of the aircraft on the date that it is first used in a taxable manner in this State.

For purposes of this subsection (h-2):

"Based in this State" means hangared, stored, or otherwise used, excluding post-sale customizations as defined in this Section, for 10 or more days in each 12-month period immediately following the date of the sale of the aircraft.

"Post-sale customization" means any improvement, maintenance, or repair that is performed on an aircraft following a transfer of ownership of the aircraft.

"Prepurchase evaluation" means an examination of an aircraft to provide a potential purchaser with information relevant to the potential purchase.

"Registered in this State" means an aircraft registered with the Department of Transportation, Aeronautics Division, or titled or registered with the Federal Aviation Administration to an address located in this State.

This subsection (h-2) is exempt from the provisions of Section 3-90.

(i) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-90.

(j) Beginning on January 1, 2002 and through June 30, 2016 ~~2011~~, the use of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this subsection (j). The permit issued under this subsection (j) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 94-1002, eff. 7-3-06; 95-304, eff. 8-20-07.)

Section 10. The Service Use Tax Act is amended by changing Section 3-45 as follows:

(35 ILCS 110/3-45) (from Ch. 120, par. 439.33-45)

Sec. 3-45. Multistate exemption. To prevent actual or likely multistate taxation, the tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of property that is acquired outside this State and that is moved into this State for use as rolling stock moving in interstate commerce.

(c) The use, in this State, of property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other state.

(d) The temporary storage, in this State, of property that is acquired outside this State and that after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(e) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-75.

(f) Beginning on January 1, 2002 and through June 30, 2016 ~~2011~~, the use of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this subsection (f). The permit issued under this subsection (f) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 93-23, eff. 6-20-03; 94-1002, eff. 7-3-06.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004 through August 30, 2014, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural

programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Beginning January 1, 1992 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or in a licensed facility as defined in the MR/DD Community Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (15) is exempt from the provisions of Section 3-55, and the exemption provided for under this item (15) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 (the effective date of Public Act 95-88) for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008 (the effective date of Public Act 95-88).

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has

been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) Beginning on January 1, 2002 and through June 30, 2016 ~~2011~~, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26). The permit issued under this paragraph (26) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(27) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-55.

(28) Tangible personal property sold to a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 3-55.

(29) Beginning January 1, 2010, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to those organizations that (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations.

(Source: P.A. 95-88, eff. 1-1-08; 95-538, eff. 1-1-08; 95-876, eff. 8-21-08; 96-116, eff. 7-31-09; 96-339, eff. 7-1-10; 96-532, eff. 8-14-09; 96-759, eff. 1-1-10; 96-1000, eff. 7-2-10.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Until July 1, 2003 and beginning again September 1, 2004 through August 30, 2014, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act. This paragraph is exempt from the provisions of Section 2-70.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in

interstate commerce.

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State

if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) Except as provided in item (25-5) of this Section, a motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(25-5) The exemption under item (25) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this item shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this item (25-5) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(25-7) Beginning on July 1, 2007, no tax is imposed under this Act on the sale of an aircraft, as defined in Section 3 of the Illinois Aeronautics Act, if all of the following conditions are met:

(1) the aircraft leaves this State within 15 days after the later of either the issuance of the final billing for the sale of the aircraft, or the authorized approval for return to service, completion of the maintenance record entry, and completion of the test flight and ground test for inspection, as required by 14 C.F.R. 91.407;

(2) the aircraft is not based or registered in this State after the sale of the aircraft; and

(3) the seller retains in his or her books and records and provides to the Department a signed and dated certification from the purchaser, on a form prescribed by the Department, certifying that the requirements of this item (25-7) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require.

For purposes of this item (25-7):

"Based in this State" means hangared, stored, or otherwise used, excluding post-sale customizations as defined in this Section, for 10 or more days in each 12-month period immediately following the date of the sale of the aircraft.

"Registered in this State" means an aircraft registered with the Department of Transportation, Aeronautics Division, or titled or registered with the Federal Aviation Administration to an address located in this State.

This paragraph (25-7) is exempt from the provisions of Section 2-70.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (27) is exempt from the provisions of Section 2-70, and the exemption provided for under this item (27) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 (the effective date of Public Act 95-88) for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008 (the effective date of Public Act 95-88).

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has

been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Beginning August 23, 2001 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or a licensed facility as defined in the MR/DD Community Care Act.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002 and through June 30, 2016 ~~2011~~, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(39) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 2-70.

(40) Beginning January 1, 2010, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to those organizations that (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations.

(41) Tangible personal property sold to a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 2-70.

(Source: P.A. 95-88, eff. 1-1-08; 95-233, eff. 8-16-07; 95-304, eff. 8-20-07; 95-538, eff. 1-1-08; 95-707, eff. 1-11-08; 95-876, eff. 8-21-08; 96-116, eff. 7-31-09; 96-339, eff. 7-1-10; 96-532, eff. 8-14-09; 96-759, eff. 1-1-10; 96-1000, eff. 7-2-10.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Hutchinson, **Senate Bill No. 401**, 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:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Luechtefeld	Righter
Bomke	Holmes	Maloney	Sandack
Brady	Hunter	Martinez	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	

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 Clayborne, **Senate Bill No. 539**, 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:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Luechtefeld	Righter
Bomke	Holmes	Maloney	Sandack
Brady	Hunter	Martinez	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	

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 Kotowski, **Senate Bill No. 540**, 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:

Althoff	Harmon	Luechtefeld	Sandack
Bivins	Holmes	Maloney	Sandoval
Bomke	Hunter	Martinez	Schmidt
Brady	Hutchinson	McCann	Schoenberg
Clayborne	Johnson, C.	McCarter	Steans
Collins, J.	Johnson, T.	Meeks	Sullivan
Crotty	Jones, E.	Mulroe	Syverson
Delgado	Jones, J.	Muñoz	Trotter
Dillard	Koehler	Murphy	Wilhelmi
Duffy	Kotowski	Noland	Mr. President
Forby	LaHood	Pankau	
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	
Haine	Lightford	Rezin	

The following voted in the negative:

Cultra

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

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

SENATE BILL RECALLED

On motion of Senator Martinez, **Senate Bill No. 620** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 620

AMENDMENT NO. 1. Amend Senate Bill 620 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding the heading preceding Section 34-200 and Sections 34-200, 34-205, 34-210, 34-215, 34-220, 34-225, 34-230, 34-235, 34-240, 34-245, and 34-250 as follows:

(105 ILCS 5/prec. Sec. 34-200 heading new)

SCHOOL ACTION AND ACCOUNTABILITY MASTER PLANNING

(105 ILCS 5/34-200 new)

Sec. 34-200. Findings and recommendations.

(a) Public Act 96-803 established the Chicago Educational Facilities Task Force (CEFTF) to analyze Chicago Public Schools data from past school actions, conduct hearings, gather public input, and consult with stakeholders and experts to develop recommendations for establishing an equitable and effective school facility development process.

(b) Based on research on best practice standards in other school districts, the CEFTF found that it is possible to have a fair, equitable, and meaningful process for deciding on school actions and capital

project allocations. The CEFTF found the following:

(1) School facility condition, utilization, design, and location impact student academic progress, safety, and learning potential.

(2) There are best practice standards that indicate an adequate school building should have a range of 125 to 200 gross square feet per student in a temperate climate, depending upon program, grade levels served, and design.

(3) A system for public transparency, oversight, and accountability needs to be in place to ensure fiscal efficiency and that no educational harm to disadvantaged students and communities results from facility-related actions, including capital spending decisions, closings, consolidations, co-locations, attendance boundary changes, new school openings, and major programmatic changes.

(4) A long-range facility master plan and a capital improvement program based upon standards for educationally adequate and appropriate facilities is needed to ensure high quality, equitable, and educationally appropriate school facilities and to raise adequate funds to support facility needs.

(5) Processes for public input, notice, and influence on the use and disposition of publicly owned and used public school facilities are critical elements of well-managed public school facilities.

(6) Collaboration and coordination with involved local community groups and municipal entities in planning and decision making regarding public school facilities ensures a more adequate plan.

(7) Illinois has fallen behind the majority of other states in its school facility spending per student.

(b) Based upon these findings, the CEFTF recommends that the General Assembly enact legislation that defines a system for high quality educational facility planning and oversight of Chicago's public school buildings and grounds that ensures that the location, condition, utilization, and design of our public schools is adequate and equitably allocated among all our communities and students. To accomplish this purpose, the following are recommended:

(1) An independent planning commission for educational facility planning of the Chicago Public Schools.

(2) Facility standards, a 10-year Educational Facility Master Plan, and a 5-year Capital Improvement Plan and budget, developed by the school district with public input and participation, including the community, parents/guardians, local school councils, educators, and other stakeholders; coordinated with other local governments and agencies; and aligned with educational goals and vision, that prioritize students' well-being and academic success.

(3) Transparent and accountable systems and controls for school actions and capital projects through the use of an educational impact statement, publicly accessible data, information, reports, and audits.

(4) State funding for school facilities that is predicated on its compliance with the provisions of this Article.

(105 ILCS 5/34-205 new)

Sec. 34-205. Definitions. For the purposes of the Sections of this Article following this Section:

"Board" means the Chicago Board of Education.

"Capital Improvement Plan" means a 5-year plan that identifies the priority capital projects to be started or finished within the capital budget period.

"Capital project" means facility renovation, including for buildings and grounds, as well as major building systems replacement or upgrades, new construction, and demolition, including the capital-related costs for planning, design, and engineering.

"CEFTF" means the Chicago Educational Facilities Task Force.

"CEO" means the chief executive officer of the school district or his or her successor.

"Commission" means the Facility Planning Commission created by this Article.

"CPS" means the school district.

"Educational Facility Master Plan" means a 10-year plan developed with public and other governmental input and participation that describes how and by whom the school buildings and grounds shall be used, improved, and maintained on a year-by-year and school-by-school basis.

"Educational Impact Statement" or "EdIS" means a study and report that assesses the educational and social effects of school actions on current students' learning and safety.

"Enrollment capacity" means how many students can be accommodated in a school building when staffing ratios, curriculum standards, and other educational best practices are accommodated.

"LSC" or "Local School Council" means a local school council established under Section 34-2.1 of this Code.

"School action" means any school closure, consolidation, phase-out, opening, relocation, co-location, academic program change (such as conversion to a charter or selective enrollment), turnarounds, or attendance area boundary changes.

"Utilization" means the comparison of actual enrollment to the enrollment capacity or the rate of use of a school building.

(105 ILCS 5/34-210 new)

Sec. 34-210. Establishment of the Chicago Educational Facility Planning Commission.

(a) There is hereby established the Chicago Educational Facilities Planning Commission.

(b) The Commission shall have the authority to take all steps necessary to ensure equitable, adequate, and sustainable public school facilities for the citizens and children of the City of Chicago, including the following:

(1) Approve standards for the capacity and utilization of CPS schools, including public charter schools.

(2) Approve standards for basic performance measures for the CPS 10-year Educational Facility Master Plan and 5-year Capital Improvement Plan.

(3) Approve the school actions that are required to be included in the Educational Facility Master Plan.

(4) Approve the 5-year Capital Improvement Plan and budget.

(5) Participate in the selection of contractors engaged to work on the development of the standards, plans, audits, and Educational Impact Statements.

(6) Certify whether or not these requirements are met prior to expenditure of capital funds by CPS, the Chicago Public Building Commission, or any other body or entity using capital funding for public school facilities.

(c) The Commission shall have the following duties:

(1) The Commission shall communicate and cooperate with CPS on the schedules for the standards, plans, audits, and other process required under this Article.

(2) The Commission shall hold hearings in accordance with the requirements of this Article.

(3) The Commission shall prepare reports, comments, and document review of CPS standards, plans, reports, and audits required under this Article.

(4) The Commission shall hold regular public meetings with its members to plan and execute their duties under this Article.

(5) The chairperson of the Commission or his or her designee shall supervise the staff assigned to support the Commission.

(6) The Commission shall establish a calendar for its meetings, hearings, reviews, and reports at the beginning of each fiscal year.

(7) The Commission shall prepare an annual work plan and budget that shall go to the State Board of Education for review as part of the annual budget process.

(8) The Commission shall engage an independent auditor for the periodic audits of the capital improvement program in accordance with the requirements of this Article.

(9) The Commission shall select an independent auditor and oversee periodic audits of the capital improvement program in accordance with the requirements of this Article.

(10) The Commission shall appoint 2 members to review educational facility planning consultant contract responses and be part of the final selection process.

(d) The Commission shall be comprised of 17 members and each member shall have one vote. A majority of those appointed shall constitute a quorum and is required for the passage of any final action. The members shall be appointed as follows:

(1) Four members of the General Assembly as chosen by the respective leaders of each legislative caucus.

(2) Four members of community organizations with a focus on education and experience with educational facility issues, as chosen by the respective legislative caucus leaders.

(3) One member appointed by the Mayor of the City of Chicago with knowledge and expertise in the City's planning for community and housing development.

(4) The CEO of CPS or his or her designee.

(5) The Chairperson of the State Board of Education, or his or her designee.

(6) The President of the Chicago Teachers Union or his or her designee.

(7) The President of the Chicago Principals and Administrators Association or his or her designee.

(8) Two members of duly elected Local School Councils, one each from an elementary school and high school, to be chosen by the CPS district-wide council of LSCs; or in the event that such district-wide council is dissolved by any future CEO, then the 2 LSC representatives shall be appointed by the chairperson of the Commission.

(9) One member representing parent/guardian advisory bodies of charter schools, appointed by the CEO of CPS.

(10) The President of the Chicago Park District or his or her designee.

The members appointed by the House Speaker and the Senate President shall be deemed co-chairpersons.

(e) Member terms, meetings, and staffing of the Commission shall be as follows:

(1) Each non-elected member shall serve a term of 2 years, which may be renewed for up to 8 years. General Assembly members shall serve throughout their term of the General Assembly. Those non-elected members whose terms have expired shall continue to serve until a subsequent individual is nominated. Vacancies shall be filled in the same manner as original appointments and named on or before September 1 of each year.

(2) The Commission shall be named and hold its first meeting within 60 days after the effective date of this Section and shall meet at least quarterly, and as deemed necessary by the Commission co-chairpersons.

(3) All meetings shall be subject to the Open Meetings Act, and agendas, minutes, and other documents taken up at Commission meetings shall be posted on the CPS Internet website in a prominent location.

(4) The State Board of Education shall provide administrative support staff to the Commission.

(105 ILCS 5/34-215 new)

Sec. 34-215. Educational facility standards.

(a) As a necessary foundation for this and subsequent plans, CPS shall propose, on or before January 1, 2012, school and community space-use standards for school buildings and grounds. These space-use standards shall identify the minimal and optimal space types and sizes needed to support high quality instruction, school and staff activities, and programs and services, including for community use and for co-location, by school type (such as early education, elementary, middle, and high school); and, at a minimum, shall fall within the square feet per student of national medians of 125 to 200 gross square feet per student of indoor facility space.

(b) CPS shall develop facility performance standards, including the following:

(1) On or before January 1, 2012, CPS shall propose minimum and optimal facility performance standards for thermal comfort; daylight; acoustics; indoor air quality; water quality and access to drinking water; furniture ergonomics for students and staff; technology; life safety; ADA accessibility; environmental hazards; and walkability.

(2) The CEO shall submit the proposed educational facilities standards to each LSC and to the Chicago Public Building Commission for review and comment prior to submission to the Board.

(3) Once the CEO has incorporated the input and recommendations of the public and the Chicago Public Building Commission, the CEO shall submit the proposed standards to the Board for review and comment.

(c) The facility performance standards shall be subject to review and approval according to the following:

(1) Following Board review and comment, the CEO shall submit the proposed educational facility standards to the Commission.

(2) The Commission shall hold at least one public hearing to solicit public comment on the proposed educational facility standards.

(3) The Commission shall vote on or before March 1, 2012 on the initial educational facility standards.

(4) The Commission shall vote on subsequent educational facility standards when revisions are proposed by CPS.

(5) If the Commission votes to reject the CEO's proposed educational facility standards, then the Commission must identify, in writing, a description of the specific standards that must be addressed and make recommendations on revisions to those standards.

(6) The CEO shall have 30 days to submit revised educational facility standards to the Board and post its revised plan via the CPS Internet website.

(7) The Board shall have 30 days to review and approve the CEO's revised educational facility standards.

(8) If approved by Board review, the CEO shall resubmit the revised educational facility standards to the Commission.

(9) The Commission shall vote only on whether the specific concerns identified in the written rejection have been satisfactorily addressed and, with a simple majority, may approve the revised standards. If rejected, the Commission must include comments and return the proposal to the Board for further revisions. This process shall continue until the CEO and the Board produce standards that are acceptable to the Commission.

(10) The final approved educational facility space and facility standards shall be available to the public via the CPS Internet website.

(11) No State capital funds authorized under Illinois law shall be issued without Commission approval of space and building standards.

(105 ILCS 5/34-220 new)

Sec. 34-220. The Educational Facility Master Plan.

(a) In accordance with the schedule set forth in this Article, the CEO shall prepare a 10-year Educational Facility Master Plan every 5 years, with updates 2 1/2 years after the approval of the 10-year plan, with the first such Educational Facility Master Plan to be approved and in effect on or before July 1, 2013.

(b) The Educational Facility Master Plan shall provide neighborhood level plans and individual school master plans with options for addressing the facility and space needs for each facility in the CPS inventory over a 10-year time period, including any actions planned for the first 5 years of the Educational Facility Master Plan.

(c) The data, information, and analysis that shall inform the city-wide, neighborhood, and individual school plans must be publicly accessible on the CPS Internet website and include the following:

(1) a description of CPS guiding educational goals and standards;

(2) a brief description of the types of educational instructional programs and services delivered in each school;

(3) a description of the process, procedure, and timeline for community participation in the development of the plan;

(4) a list of the enrollment capacity in each school and its rate of utilization;

(5) a report on the assessment of individual building and site conditions;

(6) a data table with the historical and projected enrollment data by school by grade;

(7) community analysis, including a study of current and projected demographics, land usage, transportation plans, residential housing and commercial development, private schools, plans for water and sewage service expansion or redevelopment, and institutions of higher education;

(8) an analysis of the facility needs and requirements of the district; and

(9) identification of potential sources of funding for the implementation of the Educational Facility Master Plan.

(d) The CEO or his or her designees shall meet at least once with LSCs, other parent advisory bodies, educators, local and State-elected officials, and community stakeholders to develop the neighborhood level plans and the city-wide Educational Facility Master Plan. A report of these meetings shall be provided to the Commission.

(e) The CEO shall secure input from the City of Chicago, Cook County, the Chicago Park District, the Chicago Public Library District, the Chicago Housing Authority, and the Chicago Transit Authority on the development of the neighborhood level plans and the city-wide educational facility plan. A report of this input shall be provided to the Commission.

(f) The CEO shall submit the proposed Educational Facility Master Plan to each LSC and other local governments and agencies for review and comment prior to submission to the CPS board.

(g) Once the CEO has incorporated the input and recommendations of the public and other local governmental agencies into the neighborhood and city-wide plans, the CEO shall submit the proposed Educational Facility Master Plan to the Board for review and comment.

(h) The Educational Facility Master Plan must be approved and adopted in accordance with the following:

(1) Following Board review and comment, the CEO shall submit the final proposed Educational Facility Master Plan to the Commission. This shall occur no later than February 1, 2013.

(2) The Commission shall hold at least 2 public hearings to solicit public comment on the proposed Educational Facility Master Plan.

(3) The Commission shall vote on or before April 1, 2013 on the initial Educational Facility Master Plan.

(4) The Commission shall vote on subsequent Educational Facility Master Plans on or before April 1 in a master plan year.

(5) If the Commission votes to reject the CEO's proposed Educational Facility Master Plan, then the Commission must identify, in writing, a description of the specific areas that must be addressed and recommendations on what might be done to address the Commission's concerns.

(6) The CEO shall have 30 days to submit a revised Educational Facility Master Plan to the Board and post its revised plan via the CPS Internet website.

(7) The Board shall have 30 days to review and approve the CEO's revised Educational Facility

Master Plan.

(8) If approved by Board review, the CEO shall resubmit the revised Educational Facility Master Plan to the Commission.

(9) The Commission shall vote only on whether the specific concerns identified in the written rejection have been satisfactorily addressed and, with a simple majority, can approve the revised plan. If rejected, the Commission must include comments and return the proposal to the Board for further revisions. This process shall continue until the CEO and the Board produce a proposal that is acceptable to the Commission.

(10) The final approved Educational Facility Master Plan shall be available to the public via the CPS Internet website.

(11) No State capital funds authorized under this Code shall be issued without Commission approval of an Educational Facility Master Plan.

(i) No later than January 1, 2016, and every 5 years thereafter, the CEO shall prepare and submit in person a preliminary proposed revision to the Educational Facility Master Plan to the Commission, each LSC, other local governments and agencies, and the Board.

(j) This proposed revision shall reflect the progress achieved during the first 2 1/2 years of the master plan. The revision process must include the following:

(1) The CEO or his or her designees shall meet regularly with all stakeholders to seek input on the revision and updating of the Educational Facility Master Plan.

(2) The CEO shall be guided by the recommendations received from the public and other local governmental bodies; and, on or before January 1, 2016 or 2 1/2 years following adoption of an Educational Facility Master Plan, whichever occurs later, the CEO shall submit a proposed revision to the master plan to the Board for its approval.

(3) Within 30 days after the CEO submission, the Board shall review and approve the revision to the Educational Facility Master Plan, and, within 7 days of Board approval, the revised Educational Facility Master Plan shall be submitted to the Commission for approval.

(n) The process for Commission review and approval of the revised master plan update shall be the same as described in subsections (d) through (h) of this Section.

(105 ILCS 5/34-225 new)

Sec. 34-225. Capital Improvement Plan.

(a) As a foundation for development of the 5-year Capital Improvement Plan, the CEO shall establish a comprehensive process of annual school-based capital and facility maintenance, operations, and repair budgeting and reporting no later than 90 days after the effective date of this amendatory Act of the 97th General Assembly.

(b) Notwithstanding any other provisions of this Code to the contrary, such regulations shall include provisions for the following:

(1) The annual development by the local school of a school-based capital, maintenance, utility, and repair needs assessment report and recommendations, aligned with the educational program and goals of the local school.

(2) The allocation of capital, maintenance, operations, and repair funds among schools on the basis of objective formulae developed by the CEO, after consultation with the Facility Planning Commission, and approved by the Board; such formulae shall reflect the relative educational and facility needs of the schools to the maximum extent feasible.

(3) The review, modification, and approval of the proposed school-based facility recommendations by the CEO.

(4) A collaborative school-based planning, technical support, and training process involving parents, teachers, other school personnel and, where appropriate, students to effectuate the purposes of this Section.

(5) Procedures for schools to propose and the CEO to modify and reallocate moneys in the annual capital budget, to include a uniform system of CPS departmental and school budget requests and appropriations and a uniform system for annual capital expenditure reports.

(c) The CEO shall prepare a 5-year Capital Improvement Plan no later than March 1st of every fiscal year.

(d) The annual capital plan shall include the following information for all capital projects for which moneys is to be appropriated:

(1) a description of the scope of the project;

(2) justification for the project;

(3) the status of the project, including percentage funded or unfunded and, if appropriate, percentage already completed;

(4) the operating budget impact of the project;

(5) the name and number of each school and facility receiving money;

(6) the first approved start and end date for all projects, as well as the current dates;

(7) all funding sources, including TIFs and anticipated or proposed future funding sources;

(8) the original approved cost at first approved start date and current approved costs in the current annual budget; and

(9) actual expenditures and encumbrances.

(e) The 5-year Capital Improvement Plan shall be based on school-based plans for facility capital, operating, maintenance, and repair budgeting and expenditures, as well as district-wide educational facility goals, neighborhood plans, and space and facility standards and priorities as aligned with the approved 10-year Educational Facility Master Plan and standards.

(f) Within amounts estimated by the CEO, the 5-year Capital Improvement Plan shall reflect the aggregation of the proposed school-based, facility-related priorities, as submitted by the principal of each school and as modified and approved by the Board, and include a proposed 5-year budget for the administrative and operational expenses of the CPS facility-related departments and the school district for submission to the Board and the Commission.

(g) In the case of shared facilities, equitable facility and site space utilization and investments shall be required between all school or instructional units co-located in that facility and stated in a written memorandum of understanding between all school or instructional units so co-located. All facility investments of $5,000 or more must be matched for the other school unit or units in the shared facility.

(h) The CEO shall submit the proposed 5-year Capital Improvement Plan to the Commission, all LSCs, and other local governments and agencies for their review and comment and shall submit a report of public and agency comments to the Commission following the public hearings.

(i) Prior to the CPS public hearings on the Capital Improvement Plan, the Commission shall prepare written comments and recommendations on the Capital Improvement Plan and budget and certify whether the Capital Improvement Plan and budget is consistent with the approved Educational Facility Master Plan and facility standards.

(j) CPS shall hold at least 2 public hearings on the proposed 5-year Capital Improvement Plan and budget prior to the CEO's submission of the 5-year Capital Improvement Plan to the Board for adoption.

(k) The CEO shall make the proposed Capital Improvement Plan and budget available for public review and comment no less than 30 days prior to being adopted by the Board.

(l) The annual capital budget shall be approved by CPS at the beginning of the CPS fiscal year.

(m) The 5-year Capital Improvement Plan shall be implemented and administered according to the following:

(1) the CEO shall propose for adoption by the Board such regulations as needed to create a transparent process of distributing any reductions or increases required after approval of the 5-year Capital Improvement Plan in an equitable manner that considers the relative needs of all schools to the maximum extent feasible and for modifying the proposed 5-year Capital Improvement Plan accordingly; and

(2) such process shall include an analysis of the relative funding levels of the State, the city, the federal government, and other sources of funds; a comparison of the level of such funding against previous years' total appropriations and actual expenditures; an analysis of the distribution of funds; and notification of school principals and LSCs of any such reductions or increases.

(105 ILCS 5/34-230 new)

Sec. 34-230. Financial transparency.

(a) The CEO shall provide the Board and the Commission with an Annual Capital Expenditure Report within 30 days after the end of the CPS fiscal year end that is aligned with the annual capital budget line items and projects, which shall be made available and accessible to the public via the CPS Internet website.

(b) The annual capital expenditure report shall include the following:

(1) expenditures for any and every project on which funds were expended in that fiscal year, even if the project was not initiated or completed in the fiscal year;

(2) identification of capital projects that aligned with the school-based facility needs assessment and recommendations of school principals or were the result of other public input;

(3) the levels of appropriation actually provided for that fiscal year by the city, the State, and the federal government, with a comparison of the level of such funding against previous years' totals; and

(4) a summary overview explanation of the final budget.

(c) The CEO shall provide the Board and the Commission with a report on lease or use agreements for all CPS-owned and non-CPS owned facilities in which public schools operate, which shall be made

available and accessible to the public via the CPS Internet website by the beginning of each CPS fiscal year and updated on or before January 1st of each fiscal year.

(d) The Lease or Use Agreements Report for CPS-owned facilities shall include the following information:

(1) the terms and conditions of all CPS-owned space agreements for co-location, joint use, and shared use;

(2) all parties to the agreement, with the user name as well as the full legal name of the fiduciary of the user entity, including sub-lessees and sub-lessors;

(3) the length of the agreement;

(4) the financial terms of the agreement, including all items of consideration that may or may not be financial in nature;

(5) the formula for how much space is part of the agreement, the schedule for use, and the calculation for arriving at the cost;

(6) a description of any capital improvement agreements made by CPS and the amount of funds appropriated by CPS for such capital improvement agreements;

(7) terms for operating costs for utilities, maintenance, repair, security, and insurance;

(8) if appropriate, the actual revenue received by CPS from the non-school user each year;

(9) the terms of any non-financial agreement associated with the use of CPS space;

(10) lease or use agreements for non-CPS owned facilities in which public schools, including charter public schools, operate, as specified in subsections (1) through (9) of this subsection (b); and

(11) for CPS charter schools operating in non-CPS owned facilities that have been newly constructed or procured by the initiative of such charter schools, the cost of new construction or renovation and the amounts of all sources of external funding and financing used to undertake such new construction or renovation of non-CPS owned charter facilities; and the operating costs for utilities, maintenance, repair, security, and insurance for such facilities if not otherwise accounted for in the Lease or Use Agreements Report.

(e) The Commission shall select an independent auditor to conduct periodic audits of the CPS 5-year Capital Improvement Plan or annual capital budget and expenditure reports, at a minimum, at least once every 3 years. Such an audit shall review a set of specific projects recommended by the Commission and shall include projects having been or currently being undertaken directly by CPS, as well as those capital projects carried out on behalf of CPS by the Chicago Public Building Commission. The periodic audit shall do the following:

(1) examine the quality of project specific planning, design, and construction;

(2) examine the efficiency, fairness, and effectiveness of project management, construction management, and procurement processes and procedures;

(3) examine the cost of the project, including review of change orders and contingencies, as well as in relation to the quality of design and materials;

(4) review the actual impact on operating costs; and

(5) review the schedule of the projects, comparing the first approved start and finish dates and the actual start and finish dates.

(g) To facilitate the audit process and minimize their cost, the CPS and Chicago Public Building Commission shall require that all project architects, engineers, and contractors utilize a uniform, Internet web-based comprehensive project management and construction management software system, to be selected by CPS in coordination with and with the input of the Chicago Public Building Commission.

(h) The cost of such periodic audits shall be paid by CPS from State funds provided to the school district for educational facility capital projects.

(105 ILCS 5/34-235 new)

Sec. 34-235. Facility information and accountability.

(a) No later than 90 days after the effective date of this amendatory Act of the 97th General Assembly, and every August 1 thereafter, the CEO shall provide local school principals with an actual school-based budget and allocation for capital and facility maintenance, utilities, and repairs for their upcoming school year and a proposed school-based budget and allocation for capital and facility maintenance, utilities, and repairs for the next fiscal year. In co-location schools, the principals shall be given the total school budgets and allocations, as well as the individual allocations made between the school organizations sharing the school.

(b) Each year the school building shall be assessed by a facilities team, and the local school shall be given a copy of the detailed assessment report and an explanation of the meaning of the findings of the report within 30 days after the completion of the assessment.

(c) CPS shall establish a longitudinal facility data system of all CPS educational facilities in which

classroom instruction or student, teacher, and family support services and training are provided, as well as administrative and operational facilities, whether owner or leased.

(d) The inventory of schools and buildings shall be linked to its financial budget and report documents, as well as to a comprehensive project management and construction management information process and system.

(e) The longitudinal facility database shall include the following data elements:

(1) a list of all CPS-owned facilities and facilities leased by CPS, by common street address;

(2) data on each educational facility, including:

(A) building and site square footage;

(B) age of building and additions;

(C) the most current assessment of the building and grounds;

(D) building capacity and utilization;

(E) a description of capital investment by school and building and by project, by year; and

(F) student demographics and risk factors, enrollment, attendance rates, and measures of learning and academic success, including, but not limited to race and ethnicity, poverty rate, housing status, and students with special needs, such as physical disabilities, mental health, parental status, educational needs, homeless students, students who are young parents, English language learners, wards of the State (such as foster children and youth), and students involved in the juvenile justice system;

(3) history and current annual operating costs for utilities, maintenance, and repairs; and

(4) revenue from disposition of closed schools or use agreements with currently operating schools or buildings.

(105 ILCS 5/34-240 new)

Sec. 34-240. Protective requirements.

(a) The CEO shall prepare an Educational Impact Statement for any school action proposed by CPS.

(b) The Educational Facility Master Plan and plan revisions shall include an Educational Impact Statement for any pending or anticipated school action.

(c) The Educational Impact Statement shall also include the transition plan for affected students and staff.

(d) The Educational Impact Statement shall include the following:

(1) the current and projected pupil enrollment of the affected schools, the current facility utilization by students and the community or other users, and a description of the affected student population, including attendance rates, race and ethnicity, poverty rate, housing status, and students with special needs, including parental status, housing status, English language learners, wards of the State (such as foster children and youth), and students involved in the juvenile justice system;

(2) the type, age, and physical condition of the affected school buildings, maintenance, energy costs, recent or planned building improvements, and descriptions of the affected building's special features;

(3) information regarding the academic standing of the students in the affected schools;

(4) estimated costs and savings, if any, related to personnel, instruction, administration, transportation, and other support services, that result from the school action;

(5) the impact of the proposed school closing on all affected students or community users;

(6) an outline of any proposed or potential use of the school building for other educational programs or administrative services; and

(7) the ability and capacity of other schools in the affected community to accommodate pupils following the school closure or significant change in school utilization.

(e) The Educational Impact Statement shall be made publicly available, including via the CPS Internet website, and available at the CPS central office, and provided to the impacted LSCs or, in the case of schools without duly elected LSCs, other parent/guardian advisory body and school-based management team at least 9 months in advance of the first day of school in the succeeding school year.

(f) No sooner than 30 days, but no later than 45 days, following the filing of the Educational Impact Statement, the CEO or his or her designee shall hold a joint public hearing with the impacted LSC and school-based management team at the schools subject to the proposed school closing or significant change in school utilization, including those schools designated as receiving schools or to be co-located, and shall allow all interested parties an opportunity to present comments or concerns regarding the proposed school closing or significant change in school utilization. The CEO shall ensure that notice of such hearing is widely and conspicuously posted in such a manner to maximize the number of affected individuals that receive notice, including providing notice to affected parents and students, and shall also notify members of the LSCs, community-based organizations, and the elected State and local officials who represent the affected community.

(g) So long as the revised proposal does not impact any school other than a school that was identified in the initial Educational Impact Statement, the CEO, after receiving public input, may substantially revise the proposed school closing or significant change in school utilization, provided that the CEO shall prepare a revised Educational Impact Statement in the form prescribed in this subsection (g) and publish and file such Educational Impact Statement in the same manner as prescribed in this subsection (g). No sooner than 15 days following the filing of such revised Educational Impact Statement, the CEO or his or her designee shall hold a joint public hearing with the impacted LSC and school-based management team at the schools subject to the proposed school closing or significant change in school utilization, including those schools designated as receiving schools or to be co-located, and shall allow all interested parties an opportunity to present comments and concerns regarding such proposal. The CEO shall ensure that notice of such hearing is widely and conspicuously posted in such a manner as to maximize the number of affected individuals that receive notice, including providing notice to affected parents and students, and shall also notify members of the LSCs, community-based organizations, and the elected State and local officials who represent the affected community district.

(h) The Commission must certify that CPS has complied with the EdIS provisions of this Section prior to a final vote by the Board.

(i) Except as otherwise provided in the emergency closing procedures of this Section, all proposed school closings or significant changes in school utilization shall be approved by the Board pursuant to this Article and shall not take effect until all of the provisions of this Section have been satisfied and the school year in which such Board approval was granted has ended.

(j) In the event that the CEO determines that a school closing or significant change in school utilization is immediately necessary for the preservation of student health, safety, or general welfare, the CEO may temporarily close a public school. Such emergency school closing shall remain in effect for no more than one month; during such time the CEO shall comply with the requirements of this Section in order for any such emergency school closure to extend beyond the one-month period or for the initiation of any significant change in school utilization to be adopted. During this period, the Commission shall be convened to determine the need for the emergency closure and grant approval for the remedial measures. If the Commission approves the determination of an emergency closure, then the closure may be extended for an additional month to accommodate the remediation. If the Commission fails to approve the emergency findings, then the proposed emergency school action shall be reversed and the Commission shall determine the appropriate accommodations to be made to the affected students.

(k) In the event that, notwithstanding the satisfactory completion of the EdIS, substantial opposition to the planned school action remains in the affected schools and community, a binding arbitration process may be requested, provided that the following are net:

(1) a minimum of at least 10 parents/guardians of currently enrolled students petition the Commission to request independent arbitration, by submitting a statement to the Commission and Board stating why they believe the EdIS process as prescribed in this Article was not followed or did not adequately address the educational needs and well-being of the impacted students;

(2) the Commission reviews and votes to consider the merits of the petitioners' objections; and

(3) following such Commission vote and approval, petitioners seeking independent arbitration must secure signatures in support of the request for independent arbitration from a number of parents equal to or exceeding a majority of the number of students enrolled at the affected school on the official count date of the school year.

(l) If the conditions in subsection (k) are met, the Commission Chairperson shall (i) establish a temporary special committee comprised of at least 3 Commission members, including the CPS designee to the Commission, along with at least one LSC member from the affected school and one member of the affected community, to oversee the arbitration process and (ii) designate an independent arbitrator, whose findings and recommendations shall be submitted to the Commission for review and certification. If the independent arbitrator finds a violation of the EdIS provisions of this Article or other evidence that the planned school action would inflict measurable harm to students' educational needs and well-being, the Commission shall reverse the school action.

(m) A similar petition process in accordance with subsection (k) of this Section shall be available to the parents/guardians, students, and staff of any school affected by emergency school actions, and, in such case, the 3-member Commission shall have the power to stay the school action until compliance with the student or school transition plan is ensured.

(n) If the Board approves and undertakes a school action, then the CEO or his or her designee shall work collaboratively with local school educators and families of impacted public schools to ensure successful integration of affected students into new learning environments.

(o) The CEO or his or her designee shall prepare and implement a Student Transition Plan to support

students in the wake of school actions developed in conjunction with the school and families affected.

(p) The CEO must identify and commit specific resources for implementation of the Student Transition Plan for a minimum of the full first academic year of the transition. This shall include a specific funding commitment, any necessary academic or social supports, and related activities for the students and staff, as well as increased security and safety measures required to accommodate the additional students.

(q) The Student Transition Plan shall do the following:

(1) be developed based upon an individual assessment of the students' needs, including social adjustment needs, with involvement of the teachers, the IEP team in the case of a special education student, and parents/guardians;

(2) allow an array of school choices and ensure access to significantly higher-quality schools (for example, those schools meeting or exceeding the No Child Left Behind AYP or Annual Yearly Progress for the academic year in which the school action is proposed);

(3) include counseling regarding the choice of schools that includes all pertinent information to enable the parent/guardian and child to make an informed choice, including the option to visit the schools of choice prior to making a decision; and

(4) include the provision of appropriate transportation.

(r) If, after duly completing the EdIS, the Board approves and undertakes school actions (including closings, phase-outs, consolidations, boundary changes, co-location, turn-arounds, charter school creation, or re-structuring of grade configurations), then the CEO or his or her designee shall work collaboratively with local school educators and families of impacted public schools to ensure successful integration of affected students into new learning environments.

(s) The CEO shall provide that students affected or displaced by the approved school action have access to CPS selective enrollment school options by allowing such students to apply for admission notwithstanding any other CPS-prescribed application deadlines.

(105 ILCS 5/34-245 new)

Sec. 34-245. Transition period.

(a) Within 60 days after the effective date of this amendatory Act of the 97th General Assembly, the Commission shall be appointed and hold its first meeting.

(b) The Commission shall assist CPS in formulating the policies of this amendatory Act of the 97th General Assembly.

(c) The Commission shall address and report on any school actions pending on the effective date of this amendatory Act of the 97th General Assembly or previously proposed in the final 6 months of the CPS academic year prior to the effective date of this amendatory Act of the 97th General Assembly at its first meeting and until such time as the Educational Facility Master Plan is approved, at which point the Commission shall operate as prescribed within this Article.

(d) During this period of transition, the Commission shall take necessary steps to ensure that the educational objectives and the safety of all students is considered in all school actions.

(105 ILCS 5/34-250 new)

Sec. 34-250. Penalties. No State funds may be appropriated or made available under Illinois law to a board of education may be used for capital expenditures (such as building improvements) or to pay for direct costs associated with school actions or school maintenance unless the school board has in place the policies required under this Article and is otherwise in compliance with all other requirements of this amendatory Act of the 97th General Assembly. This shall apply to Capital funds authorized under the School Construction Law or funding requests made by specific members of the General Assembly.

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 Martinez, **Senate Bill No. 620**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 41; NAYS 12.

The following voted in the affirmative:

Bivins	Haine	Maloney	Schmidt
Bomke	Harmon	Martinez	Schoenberg
Clayborne	Holmes	McCarter	Steans
Collins, J.	Hunter	Meeks	Sullivan
Crotty	Hutchinson	Mulroe	Syverson
Cultra	Johnson, T.	Muñoz	Trotter
Delgado	Jones, E.	Noland	Wilhelmi
Dillard	Koehler	Pankau	Mr. President
Forby	Kotowski	Rezin	
Frerichs	Landek	Sandack	
Garrett	Lightford	Sandoval	

The following voted in the negative:

Althoff	Jones, J.	McCann
Brady	LaHood	Murphy
Duffy	Lauzen	Radogno
Johnson, C.	Luechtefeld	Righter

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

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

SENATE BILL RECALLED

On motion of Senator Sullivan, **Senate Bill No. 770** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 770

AMENDMENT NO. 1. Amend Senate Bill 770 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Sections 5-4.2 and 5-5 as follows:
(305 ILCS 5/5-4.2) (from Ch. 23, par. 5-4.2)
Sec. 5-4.2. Ground ambulance ~~Ambulance~~ services payments.
(a) For purposes of this Section, the following terms have the following meanings:
"Department" means the Illinois Department of Healthcare and Family Services.
"Ground ambulance services" means medical transportation services that are described as ground ambulance services by the Centers for Medicare and Medicaid Services and provided in a vehicle that is licensed as an ambulance by the Illinois Department of Public Health pursuant to the Emergency Medical Services (EMS) Systems Act.
"Ground ambulance services provider" means a vehicle service provider as described in the Emergency Medical Services (EMS) Systems Act that operates licensed ambulances for the purpose of providing emergency ambulance services, or non-emergency ambulance services, or both. For purposes of this Section, this includes both ambulance providers and ambulance suppliers as described by the Centers for Medicare and Medicaid Services.
"Payment principles of Medicare" means: the accepted method propounded by the Centers for Medicare and Medicaid Services and used to determine the payment system for ground ambulance services providers and suppliers under Title XVIII of the Social Security Act. These principles are

outlined in the United States Code, the Code of Federal Regulations, and the CMS Online Manual System, including, but not limited to, the Medicare Benefit Policy Manual and the Medicare Claims Processing Manual, and include the statues, regulations, policies, procedures, definitions, guidelines, and coding systems, including the Health Care Common Procedure Coding System (HCPCS) and ambulance condition coding system, as well as other resources which have been or will be developed and recognized by the Centers for Medicare and Medicaid Services.

"Rural county" means: any county not located in a U.S. Bureau of the Census Metropolitan Statistical Area (MSA); or any county located within a U.S. Bureau of the Census Metropolitan Statistical Area but having a population of 60,000 or less.

(b) It is the intent of the General Assembly to provide for the payment for ground ambulance services as part of the State Medicaid plan and to provide adequate payment for ground ambulance services under the State Medicaid plan so as to ensure adequate access to ground ambulance services for both recipients of aid under this Article and for the general population of Illinois. Unless otherwise indicated in this Section, the practices of the Department concerning payments for ground ambulance services provided to recipients of aid under this Article shall be consistent with the payment principles of Medicare.

(c) For ground ambulance services provided to a recipient of aid under this Article on or after July 1, 2011, the Department shall provide payment to ground ambulance services providers for base charges and mileage charges based upon the lesser of the provider's charge, as reflected on the provider's claim form, or the Illinois Medicaid Ambulance Fee Schedule payment rates calculated in accordance with this Section.

Effective July 1, 2011, the Illinois Medicaid Ambulance Fee Schedule shall be established and shall include only the ground ambulance services payment rates outlined in the Medicare Ambulance Fee Schedule as promulgated by the Centers for Medicare and Medicaid Services in effect as of July 1, 2011 and adjusted for the 4 Medicare Localities in Illinois, with an adjustment of 100% of the Medicare Ambulance Fee Schedule payment rates, by Medicare Locality, for both base rates and mileage for rural counties, and an adjustment of 80% of the Medicare Ambulance Fee Schedule payment rates, by Medicare Locality, for both base rates and mileage for all other counties. The transition from the current payment system to the Illinois Medicaid Ambulance Fee Schedule shall be as follows: Effective for dates of service on or after July 1, 2011, for each individual base rate and mileage rate, the payment rate for ground ambulance services shall be based on the Illinois Medicaid Ambulance Fee Schedule amount in effect on July 1, 2011 for the designated Medicare Locality, except that any payment rate that was previously approved by the Department that exceeds this amount shall remain in force.

Notwithstanding the payment principles in subsection (b) of this Section, the Department shall develop the Illinois Medicaid Ambulance Fee Schedule using the ground mileage payment rate, as defined by the Centers for Medicare and Medicaid Services, and no other mileage rates which act as enhancements to the ground mileage rate, whether permanent or temporary, shall be recognized by the Department.

(d) Payment for mileage shall be per loaded mile with no loaded mileage included in the base rate. If a natural disaster, weather, road repairs, traffic congestion, or other conditions necessitate a route other than the most direct route, payment shall be based upon the actual distance traveled. When a ground ambulance services provider provides transport pursuant to an emergency call as defined by the Centers for Medicare and Medicaid Services, no reduction in the mileage payment shall be made based upon the fact that a closer facility may have been available, so long as the ground ambulance services provider provided transport to the recipient's facility of choice or other appropriate facility described within the scope of the Illinois Emergency Medical Services (EMS) Systems Act and associated rules or the policies and procedures of the EMS System of which the provider is a member.

(e) The Department shall provide payment for emergency ground ambulance services provided to a recipient of aid under this Article according to the requirements provided in subsection (b) of this Section when those services are provided pursuant to a request made through a 9-1-1 or equivalent emergency telephone number for evaluation, treatment, and transport from or on behalf of an individual with a condition of such a nature that a prudent layperson would have reasonably expected that a delay in seeking immediate medical attention would have been hazardous to life or health. This standard is deemed to be met if there is an emergency medical condition manifesting itself by acute symptoms of sufficient severity, including but not limited to severe pain, such that a prudent layperson who possesses an average knowledge of medicine and health can reasonably expect that the absence of immediate medical attention could result in placing the health of the individual or, with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, cause serious impairment to bodily functions, or cause serious dysfunction of any bodily organ or part.

(f) For ground ambulance services provided to a recipient enrolled in a Medicaid managed care plan

by a ground ambulance services provider that is not a contracted provider to the Medicaid managed care plan in question, the amount of the payment for ground ambulance services by the Medicaid managed care plan shall be the lesser of the provider's charge, as reflected on the provider's claim form, or the Illinois Medicaid Ambulance Fee Schedule payment rates calculated in accordance with this Section.

(g) Nothing in this Section prohibits the Department from setting payment rates for out-of-State ground ambulance services providers by administrative rule.

(g-5) Nothing in this Section prohibits the Department from setting payment rates for State ground ambulance services providers by administrative rule pending the availability of appropriations dedicated to rate increases provided under subsections (c) and (h) of this Section.

(h) Effective for dates of service on or after July 1, 2011, payments for stretcher van services provided by ground ambulance services providers shall be as follows:

(1) For each individual base rate, the amount of the payment shall be the lesser of the provider's charge, as reflected on the provider's claim form, or 80% of the Illinois Medicaid Ambulance Fee Schedule payment rate for the basic life support non-emergency base rate.

(2) For each loaded mile, the amount of the payment shall be the lesser of the provider's charge, as reflected on the provider's claim form, or 80% of the Illinois Medicaid Ambulance Fee Schedule payment rate for mileage.

(i) All payments under subsections (c) and (h) of this Section are subject to the availability of appropriations for those purposes.

~~For ambulance services provided to a recipient of aid under this Article on or after January 1, 1993, the Illinois Department shall reimburse ambulance service providers at rates calculated in accordance with this Section. It is the intent of the General Assembly to provide adequate reimbursement for ambulance services so as to ensure adequate access to services for recipients of aid under this Article and to provide appropriate incentives to ambulance service providers to provide services in an efficient and cost-effective manner. Thus, it is the intent of the General Assembly that the Illinois Department implement a reimbursement system for ambulance services that, to the extent practicable and subject to the availability of funds appropriated by the General Assembly for this purpose, is consistent with the payment principles of Medicare. To ensure uniformity between the payment principles of Medicare and Medicaid, the Illinois Department shall follow, to the extent necessary and practicable and subject to the availability of funds appropriated by the General Assembly for this purpose, the statutes, laws, regulations, policies, procedures, principles, definitions, guidelines, and manuals used to determine the amounts paid to ambulance service providers under Title XVIII of the Social Security Act (Medicare).~~

~~For ambulance services provided to a recipient of aid under this Article on or after January 1, 1996, the Illinois Department shall reimburse ambulance service providers based upon the actual distance traveled if a natural disaster, weather conditions, road repairs, or traffic congestion necessitates the use of a route other than the most direct route.~~

~~For purposes of this Section, "ambulance services" includes medical transportation services provided by means of an ambulance, medi-car, service car, or taxi.~~

~~This Section does not prohibit separate billing by ambulance service providers for oxygen furnished while providing advanced life support services.~~

(j) Beginning with services rendered on or after July 1, 2008, all providers of non-emergency medi-car and service car transportation must certify that the driver and employee attendant, as applicable, have completed a safety program approved by the Department to protect both the patient and the driver, prior to transporting a patient. The provider must maintain this certification in its records. The provider shall produce such documentation upon demand by the Department or its representative. Failure to produce documentation of such training shall result in recovery of any payments made by the Department for services rendered by a non-certified driver or employee attendant. Medi-car and service car providers must maintain legible documentation in their records of the driver and, as applicable, employee attendant that actually transported the patient. Providers must recertify all drivers and employee attendants every 3 years.

Notwithstanding the requirements above, any public transportation provider of medi-car and service car transportation that receives federal funding under 49 U.S.C. 5307 and 5311 need not certify its drivers and employee attendants under this Section, since safety training is already federally mandated. (Source: P.A. 95-501, eff. 8-28-07.)

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing

home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary, provided that payment for ground ambulance services shall be as provided in Section 5-4.2; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Department of Healthcare and Family Services shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services provided by or under the supervision of a dentist; and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for women 35 to 39 years of age.

(B) An annual mammogram for women 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the woman's

health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography.

On and after July 1, 2008, screening and diagnostic mammography shall be reimbursed at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards. Based on these quality standards, the Department shall provide for bonus payments to mammography facilities meeting the standards for screening and diagnosis. The bonus payments shall be at least 15% higher than the Medicare rates for mammography.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois

Department.

Notwithstanding any other provision of law, a health care provider under the medical assistance program may elect, in lieu of receiving direct payment for services provided under that program, to participate in the State Employees Deferred Compensation Plan adopted under Article 24 of the Illinois Pension Code. A health care provider who elects to participate in the plan does not have a cause of action against the State for any damages allegedly suffered by the provider as a result of any delay by the State in crediting the amount of any contribution to the provider's plan account.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the

required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Healthcare and Family Services may terminate the vendor's eligibility to participate in the medical assistance program without cause. That termination of eligibility is not subject to the Department's hearing process.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;

(b) actual statistics and trends in the provision of the various medical services by medical vendors;

(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and

(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with 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. 95-331, eff. 8-21-07; 95-520, eff. 8-28-07; 95-1045, eff. 3-27-09; 96-156, eff. 1-1-10; 96-806, eff. 7-1-10; 96-926, eff. 1-1-11; 96-1000, eff. 7-2-10.)

Section 99. Effective date. This Act takes effect July 1, 2011.".

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 Sullivan, **Senate Bill No. 770**, 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:

Althoff	Haine	Lightford	Righter
Bivins	Harmon	Maloney	Sandack
Bomke	Holmes	Martinez	Sandoval
Brady	Hunter	McCann	Schmidt
Clayborne	Hutchinson	McCarter	Schoenberg
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Mulroe	Sullivan
Cultra	Jones, E.	Muñoz	Syverson
Delgado	Jones, J.	Murphy	Trotter
Dillard	Koehler	Noland	Wilhelmi
Duffy	Kotowski	Pankau	Mr. President
Forby	LaHood	Radogno	
Frerichs	Landek	Raoul	
Garrett	Lauzen	Rezin	

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

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

SENATE BILL RECALLED

On motion of Senator Sullivan, **Senate Bill No. 954** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 954

AMENDMENT NO. 2. Amend Senate Bill 954 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 1-164.5, 7-203, and 7-317 as follows:

(625 ILCS 5/1-164.5)

Sec. 1-164.5. Proof of financial responsibility. Proof of ability to respond in damages for any liability thereafter incurred resulting from the ownership, maintenance, use or operation of a motor vehicle for bodily injury to or death of any person in the amount of $20,000, and subject to this limit for any one person injured or killed, in the amount of $40,000 for bodily injury to or death of 2 or more persons in any one accident, and for damage to property in the amount of $15,000 resulting from any one accident.

This proof in these amounts shall be furnished for each motor vehicle registered by every person required to furnish this proof.

In the case of the revocation of a driver's license of any person under Section 6-205 of this Code, "proof of financial responsibility" means proof of ability to respond in damages for any liability thereafter incurred resulting from the ownership, maintenance, use or operation of a motor vehicle for bodily injury or death of any person in the amount of $50,000, and subject to this limit for any one person injured or killed, in the amount of $100,000 for bodily injury to or death of 2 or more persons in any one accident, and for damage to property in the amount of $40,000 resulting from any one accident. This proof in these amounts shall be furnished for each motor vehicle registered by every person required to furnish this proof.

The changes made by this amendatory Act of the 97th General Assembly may be referred to as Devin's Law.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/7-203) (from Ch. 95 1/2, par. 7-203)

Sec. 7-203. Requirements as to policy or bond. No such policy or bond referred to in Section 7-202 shall be effective under this Section unless issued by an insurance company or surety company authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this Section unless the insurance company or surety company, if not authorized to do business in this State, shall execute a power of attorney authorizing the Secretary of State to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such motor vehicle accident. However, every such policy or bond is subject, if the motor vehicle accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than $20,000 because of bodily injury to or death of any one person in any one motor vehicle accident and, subject to said limit for one person, to a limit of not less than $40,000 because of bodily injury to or death of 2 or more persons in any one motor vehicle accident, and, if the motor vehicle accident has resulted in injury to or destruction of property, to a limit of not less than $15,000 because of injury to or destruction of property of others in any one motor vehicle accident. In the case of the revocation of a driver's license of any person under Section 6-205 of this Code, every such policy or bond is subject, if the motor vehicle accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than $50,000 because of bodily injury to or death of any one person in any one motor vehicle accident and, subject to said limit for one person, to a limit of not less than $100,000 because of bodily injury to or death of 2 or more persons in any one motor vehicle accident, and, if the motor vehicle accident has resulted in injury to or destruction of property, to a limit of not less than $40,000 because of injury to or destruction of property of others in any one motor vehicle accident.

Upon receipt of a written motor vehicle accident report from the Administrator the insurance company or surety company named in such notice shall notify the Administrator within such time and in such manner as the Administrator may require, in case such policy or bond was not in effect at the time of such motor vehicle accident.

(Source: P.A. 85-730.)

(625 ILCS 5/7-317) (from Ch. 95 1/2, par. 7-317)

Sec. 7-317. "Motor vehicle liability policy" defined. (a) Certification. -A "motor vehicle liability policy", as that term is used in this Act, means an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in Section 7-315 or Section 7-316 as proof of financial responsibility for the future, and issued, except as otherwise provided in Section 7-316, by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person named therein as insured.

(b) Owner's Policy. --Such owner's policy of liability insurance:

1. Shall designate by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is thereby intended to be granted;

2. Shall insure the person named therein and any other person using or responsible for the use of such motor vehicle or vehicles with the express or implied permission of the insured;

3. Shall insure every named insured and any other person using or responsible for the use of any motor vehicle owned by the named insured and used by such other person with the express or implied permission of the named insured on account of the maintenance, use or operation of any motor vehicle owned by the named insured, within the continental limits of the United States or the Dominion of Canada against loss from liability imposed by law arising from such maintenance, use or operation, to the extent and aggregate amount, exclusive of interest and cost, with respect to each motor vehicle, of $20,000 for bodily injury to or death of one person as a result of any one accident and, subject to such

limit as to one person, the amount of $40,000 for bodily injury to or death of all persons as a result of any one accident and the amount of $15,000 for damage to property of others as a result of any one accident, but in the case of the revocation of a driver's license of a named insured under Section 6-205 of this Code, the policy shall insure against loss from liability imposed by law arising from such maintenance, use or operation, to the extent and aggregate amount, exclusive of interest and cost, with respect to each motor vehicle, of $50,000 for bodily injury to or death of one person as a result of any one accident and, subject to such limit as to one person, the amount of $100,000 for bodily injury to or death of all persons as a result of any one accident, and the amount of $40,000 for damage to property of others as a result of any one accident.

(c) Operator's Policy. --When an operator's policy is required, it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

(d) Required Statements in Policies. --Every motor vehicle liability policy must specify the name and address of the insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement that the insurance thereunder is provided in accordance with the coverage defined in this Act, as respects bodily injury and death or property damage or both, and is subject to all the provisions of this Act.

(e) Policy Need Not Insure Workers' Compensation. --Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon the insured under any workers' compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

(f) Provisions Incorporated in Policy. --Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

1. The liability of the insurance carrier under any such policy shall become absolute whenever loss or damage covered by the policy occurs and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or obligation of the carrier to make payment on account of such loss or damage.

2. No such policy may be cancelled or annulled as respects any loss or damage, by any agreement between the carrier and the insured after the insured has become responsible for such loss or damage, and any such cancellation or annulment shall be void.

3. The insurance carrier shall, however, have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in the policy.

4. The policy, the written application therefor, if any, and any rider or endorsement which shall not conflict with the provisions of this Act shall constitute the entire contract between the parties.

(g) Excess or Additional Coverage. --Any motor vehicle liability policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions, or stipulations not in conflict with the provisions of this Act and not otherwise contrary to law.

(h) Reimbursement Provision Permitted. --The policy may provide that the insured, or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this Act, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defense which it may be entitled to plead against the insured.

(i) Proration of Insurance Permitted. --The policy may provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

(j) Binders. --Any binder pending the issuance of any policy, which binder contains or by reference includes the provisions hereunder shall be sufficient proof of ability to respond in damages.

(k) Copy of Policy to Be Filed with Department of Insurance--Approval. --A copy of the form of every motor vehicle liability policy which is to be used to meet the requirements of this Act must be filed, by the company offering such policy, with the Department of Insurance, which shall approve or disapprove the policy within 30 days of its filing. If the Department approves the policy in writing within such 30 day period or fails to take action for 30 days, the form of policy shall be deemed approved as filed. If within the 30 days the Department disapproves the form of policy filed upon the ground that it does not comply with the requirements of this Act, the Department shall give written notice of its decision and its reasons therefor to the carrier and the policy shall not be accepted as proof of financial

responsibility under this Act.

(l) Insurance Carrier Required to File Certificate. --An insurance carrier who has issued a motor vehicle liability policy or policies or an operator's policy meeting the requirements of this Act shall, upon the request of the insured therein, deliver to the insured for filing, or at the request of the insured, shall file direct, with the Secretary of State a certificate, as required by this Act, which shows that such policy or policies have been issued. No insurance carrier may require the payment of any extra fee or surcharge, in addition to the insurance premium, for the execution, delivery or filing of such certificate.

(m) Proof When Made By Endorsement. --Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.
(Source: P.A. 85-730.)

Section 99. Effective date. This Act takes effect January 1, 2012.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Sullivan, **Senate Bill No. 954**, 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 12; Present 1.

The following voted in the affirmative:

Bivins	Harmon	Martinez	Sandoval
Clayborne	Hunter	McCann	Schmidt
Collins, J.	Hutchinson	Meeks	Schoenberg
Crotty	Jones, E.	Mulroe	Steans
Delgado	Koehler	Muñoz	Sullivan
Dillard	Kotowski	Noland	Trotter
Forby	Landek	Pankau	Wilhelmi
Frerichs	Lauzen	Raoul	Mr. President
Garrett	Lightford	Rezin	
Haine	Maloney	Sandack	

The following voted in the negative:

Althoff	Johnson, C.	Luechtefeld
Brady	Johnson, T.	Murphy
Cultra	Jones, J.	Radogno
Duffy	LaHood	Righter

The following voted present:

Bomke

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 Schmidt asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the negative on **Senate Bill No. 954**.

SENATE BILL RECALLED

On motion of Senator Sullivan, **Senate Bill No. 956** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 956

AMENDMENT NO. 1. Amend Senate Bill 956 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 12-215 as follows:

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

2.1. A vehicle operated by a fire chief who has completed an emergency vehicle operation training course approved by the Office of the State Fire Marshal and designated or authorized by local authorities, in writing, as a fire department, fire protection district, or township fire department vehicle; however, the designation or authorization must be carried in the vehicle, and the lights may be visible or activated only when responding to a bona fide emergency;

3. Vehicles of local fire departments and State or federal firefighting vehicles;

4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;

6. Vehicles of the Illinois Emergency Management Agency, vehicles of the Illinois Department of Public Health, and vehicles of the Department of Nuclear Safety;

7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act;

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code;

9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization; and

10. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;

2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

(6.1) The front and rear of motorized equipment or vehicles that (i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or operated by a:

voluntary firefighter;
paid firefighter;
part-paid firefighter;
call firefighter;
member of the board of trustees of a fire protection district;
paid or unpaid member of a rescue squad;
paid or unpaid member of a voluntary ambulance unit; or
paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.

However, such lights are not to be lighted except when responding to a bona fide emergency or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide member of a fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include:

(A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(C) the member's term of service; and

(D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

7. Vehicles of the Illinois Emergency Management Agency, vehicles of the Illinois Department of Public Health, and vehicles of the Department of Nuclear Safety, when used in combination with red oscillating, rotating, or flashing lights.

8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

9. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 2 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 96-214, eff. 8-10-09; 96-1190, eff. 7-22-10.)".

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 Sullivan, **Senate Bill No. 956**, 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:

Althoff	Haine	Maloney	Sandack
Bivins	Harmon	Martinez	Sandoval
Bomke	Holmes	McCann	Schmidt
Brady	Hunter	McCarter	Schoenberg
Clayborne	Hutchinson	Meeks	Steans
Collins, J.	Johnson, C.	Mulroe	Sullivan
Crotty	Jones, J.	Muñoz	Syverson
Cultra	Koehler	Murphy	Trotter
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	
Garrett	Luechtefeld	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Sullivan, **Senate Bill No. 1150** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1150

AMENDMENT NO. __1__. Amend Senate Bill 1150 by replacing everything after the enacting clause with the following:

"Section 5. The State Universities Civil Service Act is amended by changing Sections 36d, 36e, 36g, 36h, 36j, and 36o and by adding Section 36t as follows:

(110 ILCS 70/36d) (from Ch. 24 1/2, par. 38b3)

Sec. 36d. Powers and duties of the Merit Board.

The Merit Board shall have the power and duty-

(1) To approve a classification plan prepared under its direction, assigning to each class positions of substantially similar duties. The Merit Board shall have power to delegate to its Executive Director the duty of assigning each position in the classified service to the appropriate class in the classification plan approved by the Merit Board.

(2) To prescribe the duties of each class of positions and the qualifications required by employment in that class.

(3) To prescribe the range of compensation for each class or to fix a single rate of compensation for employees in a particular class; and to establish other conditions of employment which an employer and employee representatives have agreed upon as fair and equitable. The Merit Board shall direct the payment of the "prevailing rate of wages" in those classifications in which, on January 1, 1952, any employer is paying such prevailing rate and in such other classes as the Merit Board may thereafter

determine. "Prevailing rate of wages" as used herein shall be the wages paid generally in the locality in which the work is being performed to employees engaged in work of a similar character. Each employer covered by the University System shall be authorized to negotiate with representatives of employees to determine appropriate ranges or rates of compensation or other conditions of employment and may recommend to the Merit Board for establishment the rates or ranges or other conditions of employment which the employer and employee representatives have agreed upon as fair and equitable. Any rates or ranges established prior to January 1, 1952, and hereafter, shall not be changed except in accordance with the procedures herein provided.

(4) To recommend to the institutions and agencies specified in Section 36e standards for hours of work, holidays, sick leave, overtime compensation and vacation for the purpose of improving conditions of employment covered therein and for the purpose of insuring conformity with the prevailing rate principal.

(5) To prescribe standards of examination for each class, the examinations to be related to the duties of such class. The Merit Board shall have power to delegate to the Executive Director and his staff the preparation, conduct and grading of examinations. Examinations may be written, oral, by statement of training and experience, in the form of tests of knowledge, skill, capacity, intellect, aptitude; or, by any other method, which in the judgment of the Merit Board is reasonable and practical for any particular classification. Different examining procedures may be determined for the examinations in different classifications but all examinations in the same classification shall be uniform.

(6) To authorize the continuous recruitment of personnel and to that end, to delegate to the Executive Director and his staff the power and the duty to conduct open and continuous competitive examinations for all classifications of employment.

(7) To cause to be established from the results of examinations registers for each class of positions in the classified service of the State Universities Civil Service System, of the persons who shall attain the minimum mark fixed by the Merit Board for the examination; and such persons shall take rank upon the registers as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

(8) To provide by its rules for promotions in the classified service. Vacancies shall be filled by promotion whenever practicable. For the purpose of this paragraph, an advancement in class shall constitute a promotion.

(9) To set a probationary period of employment of no less than 6 months and no longer than 12 months for each class of positions in the classification plan, the length of the probationary period for each class to be determined by the Director.

(10) To provide by its rules for employment at regular rates of compensation of physically handicapped persons in positions in which the handicap does not prevent the individual from furnishing satisfactory service.

(11) To make and publish rules, to carry out the purpose of the State Universities Civil Service System and for examination, appointments, transfers and removals and for maintaining and keeping records of the efficiency of officers and employees and groups of officers and employees in accordance with the provisions of Sections 36b to 36q, inclusive, and said Merit Board may from time to time make changes in such rules.

(12) To appoint a Executive Director and such assistants and other clerical and technical help as may be necessary efficiently to administer Sections 36b to 36q, inclusive. To authorize the Director to appoint an assistant resident at the place of employment of each employer specified in Section 36e and this assistant may be authorized to give examinations and to certify names from the regional registers provided in Section 36k.

(13) To submit to the Governor of this state on or before November 1 of each year prior to the regular session of the General Assembly a report of the University System's business and an estimate of the amount of appropriation from state funds required for the purpose of administering the University System.

(Source: P.A. 82-524.)

(110 ILCS 70/36e) (from Ch. 24 1/2, par. 38b4)

Sec. 36e. Coverage. All employees of the Illinois Community College Board, State Community College of East St. Louis (abolished under Section 2-12.1 of the Public Community College Act), Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, University of Illinois, State Universities Civil Service System, State Universities Retirement System, the State Scholarship Commission, and the Board of Higher Education, shall be covered by the University System described in Sections 36b to 36q, inclusive, of this Act, except

the following persons:

(1) the ~~The~~ members and officers of the Merit Board and the board of trustees, and the commissioners of the institutions and agencies covered hereunder;

(2) the ~~The~~ presidents and vice-presidents of each educational institution;

(3) other ~~Other~~ principal administrative employees of each institution and agency approved ~~as determined~~ by the Merit Board;

(4) the ~~The~~ teaching, research and extension faculties of each institution and agency; and

(5) students ~~Students~~ employed under rules prescribed by the Merit Board, without examination or certification.

Notwithstanding the other provisions of this Section, all of the following apply:

(A) No position may be exempt under this Section unless the exemption has been reviewed and approved by the Merit Board or by the Executive Director as delegated by the Merit Board.

(B) The authority to exempt lies solely with the Merit Board or the Executive Director as delegated by the Merit Board, and such authority shall not be extended to any other employing institution or agency.

(C) Adequate advance notice of the intent to propose an exemption must be provided to impacted employees and any labor organization with exclusive bargaining rights for that position and posted in all public places allocated for civil service employment information.

(Source: P.A. 89-4, eff. 1-1-96; revised 9-16-10.)

(110 ILCS 70/36g) (from Ch. 24 1/2, par. 38b6)

Sec. 36g. For the granting of appropriate preference in entrance examinations to qualified persons who have been members of the armed forces of the United States or to qualified persons who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country, and to certain other persons as set forth in this Section.

(a) As used in this Section:

(1) "Time of hostilities with a foreign country" means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

(2) "Armed forces of the United States" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Law 95-202 shall also be considered service in the Armed Forces of the United States for purposes of this Section.

(b) The preference granted under this Section shall be in the form of points added to the final grades of the persons if they otherwise qualify and are entitled to appear on the list of those eligible for appointments.

(c) A veteran is qualified for a preference of 10 points if the veteran currently holds proof of a service connected disability from the United States Department of Veterans Affairs or an allied country or if the veteran is a recipient of the Purple Heart.

(d) A veteran who has served during a time of hostilities with a foreign country is qualified for a preference of 5 points if the veteran served under one or more of the following conditions:

(1) The veteran served a total of at least 6 months, or

(2) The veteran served for the duration of hostilities regardless of the length of engagement, or

(3) The veteran was discharged on the basis of hardship, or

(4) The veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

(e) A person not eligible for a preference under subsection (c) or (d) is qualified for a preference of 3 points if the person has served in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States and the person: (1) served for at least 6 months and has been discharged under honorable conditions or (2) has been discharged on the ground of hardship or (3) was released from active duty because of a service connected disability. An active member of the National Guard or a reserve component of the armed forces of the United States is eligible for the preference if the member meets the service requirements of this subsection (e).

(f) The rank order of persons entitled to a preference on eligible lists shall be determined on the basis of their augmented ratings. When the Executive Director establishes eligible lists on the basis of

category ratings such as "superior", "excellent", "well-qualified", and "qualified", the veteran eligibles in each such category shall be preferred for appointment before the non-veteran eligibles in the same category.

(g) Employees in positions covered by this Act who, while in good standing, leave to engage in military service during a period of hostility, shall be given credit for seniority purposes for time served in the armed forces.

(h) A surviving unremarried spouse of a veteran who suffered a service connected death or the spouse of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment shall be entitled to the same preference to which the veteran would have been entitled under this Section.

(i) A preference shall also be given to the following individuals: 10 points for one parent of an unmarried veteran who suffered a service connected death or a service connected disability that prevents the veteran from qualifying for civil service employment. The first parent to receive a civil service appointment shall be the parent entitled to the preference.

(Source: P.A. 87-796.)

(110 ILCS 70/36h) (from Ch. 24 1/2, par. 38b7)

Sec. 36h. Appointment.

(1) Whenever an employer covered by the University System has a position which needs to be filled, this employer shall inform the Executive Director of the Merit Board. The Director shall then certify to the employer the names and addresses of the three persons standing highest on the register for the classification to which the position is assigned. The employer shall select one of these persons certified for the position and shall notify the Executive Director of the Merit Board of his selection. If less than three names appear on the appropriate register, the Director shall certify the names and addresses of the person or persons on the register. Sex shall be disregarded except when the nature of the position requires otherwise.

(2) All appointments shall be for a probationary period of no less than 6 months and no longer than 12 months for each class of positions in the classification plan, the length of the probationary period for each class having been determined by the Executive Director, except that persons first appointed to any police department of any university or college covered by the University System after the effective date of this amendatory Act of 1979, shall be on probation for 1 year. The service during the probationary period shall be deemed to be a part of the examination. During the probationary period, the employee may be dismissed if the employer determines that the employee has failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service. The employer shall notify the Executive Director in writing of such dismissal. If an employee is not so dismissed during his probationary period his appointment shall be deemed complete at the end of the period.

(3) No person shall be appointed to any police department of any university or college covered by the University System unless he possesses a high school diploma or an equivalent high school education, and unless he is a person of good character and is not a person who has been convicted of a felony or a crime involving moral turpitude.

(Source: P.A. 86-708.)

(110 ILCS 70/36j) (from Ch. 24 1/2, par. 38b9)

Sec. 36j. Promotions. The Merit Board shall by rules provide for promotions on the basis of ability and experience and seniority in service and examination and to provide in all cases where it is practicable that vacancies will be filled by promotion. The Merit Board shall by rule fix lines of promotion from such several offices and places to superior offices or places in all cases where, in the judgment of the Merit Board, the duties of such several positions directly tend to fit the incumbent for a superior position.

Employees promoted in the promotional line shall have their seniority for the highest position held on the basis of length of service in that classification. For the next lower classification the employee may add his seniority in the higher classification to that in the lower to determine seniority in the lower classification.

Whenever a superior position in the promotional line in the classified civil service under the University System is to be filled, the Director shall certify to the employer, in the order of their seniority, the names and addresses of the three persons standing highest upon the promotional register for the class or grade to which said position belongs. The employer shall appoint one of the three persons whose names were certified by the Executive Director. Sex shall be disregarded except when the nature of the position requires otherwise. Appointments to superior positions in the promotional line shall be on probation for a period of no less than 6 months and no longer than 12 months for each class of positions in the classification plan, the length of the probationary period having been determined by the Executive

Director. Persons so appointed may be demoted at any time during the period of probation, if, in the opinion of the employer, they have failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service, but shall not be discharged from the superior position if they have previously completed a probationary period in an inferior position in the promotional line.

Whenever a person is promoted to a superior position in the promotional line prior to the completion of the probationary period in any one of the positions in the classified civil service under the University System, total service in the inferior position and in all such superior positions shall be combined to establish certified status and seniority in the inferior position.

(Source: P.A. 82-524.)

(110 ILCS 70/36o) (from Ch. 24 1/2, par. 38b14)

Sec. 36o. Demotion, removal, and discharge. After the completion of his or her probationary period, no employee shall be demoted, removed or discharged except for just cause, upon written charges, and after an opportunity to be heard in his or her own defense if he or she makes a written request for a hearing to the Merit Board within 15 days after the serving of the written charges upon him or her. Upon the filing of such a request for a hearing, the Merit Board shall grant such hearing to be held within 45 days from the date of the service of the demotion, removal or discharge notice by a hearing board or hearing officer appointed by the Merit Board. The members of the hearing board or the hearing officer shall be selected from among the members of a panel established by the Merit Board after consultation with the Advisory Committee provided in Section 36c. The hearing board or hearing officer shall make and render findings of facts on the charges and transmit to the Merit Board a transcript of the evidence along with the hearing board's or hearing officer's findings of fact. The findings of the hearing board or hearing officer when approved by the Merit Board shall be certified to the employer. If cause for demotion, removal or discharge is found, the employee shall be immediately separated from the service. If cause is not found, the employee shall forthwith be reassigned to perform the duties of a position in his or her classification without loss of compensation. In the course of the hearing, the Executive Director of the Merit Board shall have power to administer oaths and to secure by subpoena the attendance and testimony of witnesses and the production of books and papers relevant to the inquiry.

The provisions of the Administrative Review Law and all amendments and modification thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Merit Board hereby created. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 95-113, eff. 8-13-07.)

(110 ILCS 70/36t new)

Sec. 36t. General provisions.

(a) Open Meetings Act. The Merit Board and any committees and subdivisions thereof shall be subject to all provisions of the Open Meetings Act. The Merit Board is a "public body" within the meaning of that term as set forth in the Open Meetings Act.

(b) State Records Act. The Merit Board and any committees and subdivisions thereof shall be subject to all provisions of the State Records Act. The Merit Board is an "agency" within the meaning of that term as set forth in the State Records Act.

(c) Illinois Administrative Procedure Act. Notwithstanding any provision of law to the contrary, any authority granted to the Merit Board to make and publish rules is strictly limited to the requirements of the Illinois Administrative Procedure Act, and no authority for the Merit Board to make and publish rules exists outside of the requirements of the Illinois Administrative Procedure Act. The Merit Board is an "agency" within the meaning of that term as set forth in the Illinois Administrative Procedure Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Sullivan, **Senate Bill No. 1150**, 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 18.

The following voted in the affirmative:

Bomke	Haine	Lightford	Sandoval
Brady	Harmon	Luechtefeld	Schoenberg
Clayborne	Holmes	Maloney	Steans
Collins, J.	Hunter	Martinez	Sullivan
Crotty	Hutchinson	Meeks	Trotter
Delgado	Jones, J.	Mulroe	Wilhelmi
Forby	Koehler	Muñoz	Mr. President
Frerichs	Kotowski	Noland	
Garrett	Landek	Raoul	

The following voted in the negative:

Althoff	Johnson, C.	Murphy	Sandack
Bivins	Johnson, T.	Pankau	Schmidt
Cultra	LaHood	Radogno	Syverson
Dillard	McCann	Rezin	
Duffy	McCarter	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Sullivan, **Senate Bill No. 1821** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 1821

AMENDMENT NO. 4. Amend Senate Bill 1821, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3 as follows:

on page 2, line 23, by replacing "only to" with "to the application process for the issuance of a certificate of authority by"; and

on page 3, by replacing lines 5 through 9 with "source."; and

on page 3, by replacing line 13 with "certificate of authority."; and

on page 3, line 15, after "certificate", by inserting "of authority"; and

on page 6, line 2, after "application", by inserting "for a certificate of authority"; and

on page 6, line 8, after "application", by inserting "for a certificate of authority"; and

on page 6, by deleting lines 20 through 24; and

on page 6, by replacing lines 25 and 26 with the following:

"(e) The Commission's rules shall ensure that notice of an application for a certificate of authority is provided within 30 days after";

on page 7, by replacing lines 4 through 10 with "Commission's rules. If the Commission grants"; and

on page 7, line 21, after "application", by inserting "for a certificate of authority".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Sullivan, **Senate Bill No. 1821**, 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 4.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Righter
Bomke	Harmon	Maloney	Sandack
Brady	Holmes	Martinez	Sandoval
Clayborne	Hunter	McCarter	Schmidt
Collins, J.	Hutchinson	Meeks	Schoenberg
Crotty	Johnson, T.	Mulroe	Steans
Cultra	Jones, E.	Muñoz	Sullivan
Delgado	Jones, J.	Murphy	Syverson
Dillard	Koehler	Noland	Trotter
Duffy	Kotowski	Pankau	Wilhelmi
Forby	Landek	Radogno	Mr. President
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	

The following voted in the negative:

Bivins	LaHood
Johnson, C.	McCann

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

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

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 7** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 7

AMENDMENT NO. 1. Amend Senate Bill 7 by replacing everything after the enacting clause with the following:

"Section 3. The Illinois Pension Code is amended by changing Section 17-130 as follows:

(40 ILCS 5/17-130) (from Ch. 108 1/2, par. 17-130)

Sec. 17-130. Participants' contributions by payroll deductions.

(a) There shall be deducted from the salary of each teacher 7.50% of his salary for service or disability retirement pension and 0.5% of salary for the annual increase in base pension.

In addition, there shall be deducted from the salary of each teacher 1% of his salary for survivors' and children's pensions.

(b) An Employer and any employer of eligible contributors as defined in Section 17-106 is authorized to make the necessary deductions from the salaries of its teachers. Such amounts shall be included as a part of the Fund. An Employer and any employer of eligible contributors as defined in Section 17-106 shall formulate such rules and regulations as may be necessary to give effect to the provisions of this Section.

(c) All persons employed as teachers shall, by such employment, accept the provisions of this Article and of Sections 34-83 to 34-85 ~~34-85b~~, inclusive, of "The School Code", approved March 18, 1961, as amended, and thereupon become contributors to the Fund in accordance with the terms thereof. The provisions of this Article and of those Sections shall become a part of the contract of employment.

(d) A person who (i) was a member before July 1, 1998, (ii) retires with more than 34 years of creditable service, and (iii) does not elect to qualify for the augmented rate under Section 17-119.1 shall be entitled, at the time of retirement, to receive a partial refund of contributions made under this Section for service occurring after the later of June 30, 1998 or attainment of 34 years of creditable service, in an amount equal to 1.00% of the salary upon which those contributions were based.

(Source: P.A. 94-1105, eff. 6-1-07.)

Section 5. The School Code is amended by changing Sections 10-22.4, 21-23, 24-11, 24-12, 24-16, 24A-2.5, 24A-5, 34-84, 34-85, and 34-85c and by adding Sections 2-3.153, 10-16a, 24-1.5, and 24-16.5 as follows:

(105 ILCS 5/2-3.153 new)

Sec. 2-3.153. Survey of learning conditions. The State Board of Education shall select for statewide administration an instrument to provide feedback from, at a minimum, students in grades 6 through 12 and teachers on the instructional environment within a school after giving consideration to the recommendations of the Performance Evaluation Advisory Council made pursuant to subdivision (6) of subsection (a) of Section 24A-20 of this Code. Subject to appropriation to the State Board of Education for the State's cost of development and administration and commencing with the 2012-2013 school year, each school district shall administer, at least biannually, the instrument in every public school attendance center by a date specified by the State Superintendent of Education, and data resulting from the instrument's administration must be provided to the State Board of Education. The survey component that requires completion by the teachers must be administered during teacher meetings or professional development days or at other times that would not interfere with the teachers' regular classroom and direct instructional duties. The State Superintendent, following consultation with teachers, principals, and other appropriate stakeholders, shall publicly report on selected indicators of learning conditions resulting from administration of the instrument at the individual school, district, and State levels and shall identify whether the indicators result from an anonymous administration of the instrument. If in any year the appropriation to the State Board of Education is insufficient for the State's costs associated with statewide administration of the instrument, the State Board of Education shall give priority to districts with low-performing schools and a representative sample of other districts.

(105 ILCS 5/10-16a new)

Sec. 10-16a. School board member's leadership training.

(a) This Section applies to all school board members serving pursuant to Section 10-10 of this Code who have been elected after the effective date of this amendatory Act of the 97th General Assembly or appointed to fill a vacancy of at least one year's duration after the effective date of this amendatory Act of the 97th General Assembly.

(b) Every voting member of a school board of a school district elected or appointed for a term beginning after the effective date of this amendatory Act of the 97th General Assembly, within a year after the effective date of this amendatory Act of the 97th General Assembly or the first year of his or her term, shall complete a minimum of 4 hours of professional development leadership training covering topics in education and labor law, financial oversight and accountability, and fiduciary responsibilities of a school board member. The school district shall maintain on its Internet website, if any, the names of all voting members of the school board who have successfully completed the training.

(c) The training on financial oversight, accountability, and fiduciary responsibilities may be provided by an association established under this Code for the purpose of training school board members or by other qualified providers approved by the State Board of Education, in conjunction with an association so established.

(105 ILCS 5/10-22.4) (from Ch. 122, par. 10-22.4)

Sec. 10-22.4. Dismissal of teachers. To dismiss a teacher for incompetency, cruelty, negligence,

immorality or other sufficient cause, to dismiss any teacher on the basis of performance ~~who fails to complete a 1 year remediation plan with a "satisfactory" or better rating~~ and to dismiss any teacher whenever, in its opinion, he is not qualified to teach, or whenever, in its opinion, the interests of the schools require it, subject, however, to the provisions of Sections 24-10 to 24-16.5 ~~24-15~~, inclusive. Temporary mental or physical incapacity to perform teaching duties, as found by a medical examination, is not a cause for dismissal. Marriage is not a cause of removal.

(Source: P.A. 85-248.)

(105 ILCS 5/21-23) (from Ch. 122, par. 21-23)

Sec. 21-23. Suspension or revocation of certificate.

(a) The State Superintendent of Education has the exclusive authority, in accordance with this Section and any rules adopted by the State Board of Education, to initiate the suspension of up to 5 calendar years or revocation of any certificate issued pursuant to this Article, including but not limited to any administrative certificate or endorsement, for abuse or neglect of a child, immorality, a condition of health detrimental to the welfare of pupils, incompetency, unprofessional conduct (which includes the failure to disclose on an employment application any previous conviction for a sex offense, as defined in Section 21-23a of this Code, or any other offense committed in any other state or against the laws of the United States that, if committed in this State, would be punishable as a sex offense, as defined in Section 21-23a of this Code), the neglect of any professional duty, willful failure to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act, failure to establish satisfactory repayment on an educational loan guaranteed by the Illinois Student Assistance Commission, or other just cause. Unprofessional conduct shall include refusal to attend or participate in, institutes, teachers' meetings, professional readings, or to meet other reasonable requirements of the regional superintendent or State Superintendent of Education. Unprofessional conduct also includes conduct that violates the standards, ethics, or rules applicable to the security, administration, monitoring, or scoring of, or the reporting of scores from, any assessment test or the Prairie State Achievement Examination administered under Section 2-3.64 or that is known or intended to produce or report manipulated or artificial, rather than actual, assessment or achievement results or gains from the administration of those tests or examinations. It shall also include neglect or unnecessary delay in making of statistical and other reports required by school officers. Incompetency shall include, without limitation, 2 or more school terms of service for which the certificate holder has received an unsatisfactory rating on a performance evaluation conducted pursuant to Article 24A of this Code within a period of 7 school terms of service. In determining whether to initiate action against one or more certificates based on incompetency and the recommended sanction for such action, the State Superintendent shall consider factors that include without limitation all of the following:

(1) Whether the unsatisfactory evaluation ratings occurred prior to the effective date of this amendatory Act of the 97th General Assembly.

(2) Whether the unsatisfactory evaluation ratings occurred prior to or after the implementation date, as defined in Section 24A-2.5 of this Code, of an evaluation system for teachers in a school district.

(3) Whether the evaluator or evaluators who performed an unsatisfactory evaluation met the pre-certification and training requirements set forth in Section 24A-3 of this Code.

(4) The time between the unsatisfactory evaluation ratings.

(5) The quality of the remediation plans associated with the unsatisfactory evaluation ratings and whether the certificate holder successfully completed the remediation plans.

(6) Whether the unsatisfactory evaluation ratings were related to the same or different assignments performed by the certificate holder.

(7) Whether one or more of the unsatisfactory evaluation ratings occurred in the first year of a teaching or administrative assignment.

When initiating an action against one or more certificates, the State Superintendent may seek required professional development as a sanction in lieu of or in addition to suspension or revocation. Any such required professional development must be at the expense of the certificate holder, who may use, if available and applicable to the requirements established by administrative or court order, training, coursework, or other professional development funds in accordance with the terms of an applicable collective bargaining agreement entered into after the effective date of this amendatory Act of the 97th General Assembly, unless that agreement specifically precludes use of funds for such purpose.

(a-5) The State Superintendent of Education shall, upon receipt of evidence of abuse or neglect of a child, immorality, a condition of health detrimental to the welfare of pupils, incompetency (subject to subsection (a) of this Section), unprofessional conduct, the neglect of any professional duty or other just cause, further investigate and, if and as appropriate, serve written notice to the individual and afford the individual opportunity for a hearing prior to suspension, ~~or~~ revocation , or other sanction; provided that

the State Superintendent is under no obligation to initiate such an investigation if the Department of Children and Family Services is investigating the same or substantially similar allegations and its child protective service unit has not made its determination as required under Section 7.12 of the Abused and Neglected Child Reporting Act. If the State Superintendent of Education does not receive from an individual a request for a hearing within 10 days after the individual receives notice, the suspension, ~~or~~ revocation , or other sanction shall immediately take effect in accordance with the notice. If a hearing is requested within 10 days of notice of opportunity for hearing, it shall act as a stay of proceedings until the State Teacher Certification Board issues a decision. Any hearing shall take place in the educational service region wherein the educator is or was last employed and in accordance with rules adopted by the State Board of Education, in consultation with the State Teacher Certification Board, which rules shall include without limitation provisions for discovery and the sharing of information between parties prior to the hearing. The standard of proof for any administrative hearing held pursuant to this Section shall be by the preponderance of the evidence. The decision of the State Teacher Certification Board is a final administrative decision and is subject to judicial review by appeal of either party.

The State Board may refuse to issue or may suspend the certificate of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

The exclusive authority of the State Superintendent of Education to initiate suspension or revocation of a certificate pursuant to this Section does not preclude a regional superintendent of schools from cooperating with the State Superintendent or a State's Attorney with respect to an investigation of alleged misconduct.

(b) (Blank).

(b-5) The State Superintendent of Education or his or her designee may initiate and conduct such investigations as may be reasonably necessary to establish the existence of any alleged misconduct. At any stage of the investigation, the State Superintendent may issue a subpoena requiring the attendance and testimony of a witness, including the certificate holder, and the production of any evidence, including files, records, correspondence, or documents, relating to any matter in question in the investigation. The subpoena shall require a witness to appear at the State Board of Education at a specified date and time and shall specify any evidence to be produced. The certificate holder is not entitled to be present, but the State Superintendent shall provide the certificate holder with a copy of any recorded testimony prior to a hearing under this Section. Such recorded testimony must not be used as evidence at a hearing, unless the certificate holder has adequate notice of the testimony and the opportunity to cross-examine the witness. Failure of a certificate holder to comply with a duly-issued, investigatory subpoena may be grounds for revocation, suspension, or denial of a certificate.

(b-10) All correspondence, documentation, and other information so received by the regional superintendent of schools, the State Superintendent of Education, the State Board of Education, or the State Teacher Certification Board under this Section is confidential and must not be disclosed to third parties, except (i) as necessary for the State Superintendent of Education or his or her designee to investigate and prosecute pursuant to this Article, (ii) pursuant to a court order, (iii) for disclosure to the certificate holder or his or her representative, or (iv) as otherwise required in this Article and provided that any such information admitted into evidence in a hearing shall be exempt from this confidentiality and non-disclosure requirement.

(c) The State Superintendent of Education or a person designated by him shall have the power to administer oaths to witnesses at any hearing conducted before the State Teacher Certification Board pursuant to this Section. The State Superintendent of Education or a person designated by him is authorized to subpoena and bring before the State Teacher Certification Board any person in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in the civil cases in circuit courts of this State.

(c-5) Any circuit court, upon the application of the State Superintendent of Education or the certificate holder, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers as part of any investigation or at any hearing the State Teacher Certification Board is authorized to conduct pursuant to this Section, and the court may compel obedience to its orders by proceedings for contempt.

(c-10) The State Board of Education shall receive an annual line item appropriation to cover fees associated with the investigation and prosecution of alleged educator misconduct and hearings related thereto.

(d) As used in this Section, "teacher" means any school district employee regularly required to be

certified, as provided in this Article, in order to teach or supervise in the public schools.
(Source: P.A. 96-431, eff. 8-13-09.)

(105 ILCS 5/24-1.5 new)

Sec. 24-1.5. New or vacant teaching positions. A school district's selection of a candidate for a new or vacant teaching position not otherwise required to be filled pursuant to Section 24-12 of this Code must be based upon the consideration of factors that include without limitation certifications, qualifications, merit and ability (including performance evaluations, if available), and relevant experience, provided that the length of continuing service with the school district must not be considered as a factor, unless all other factors are determined by the school district to be equal. A school district's decision to select a particular candidate to fill a new or vacant position is not subject to review under grievance resolution procedures adopted pursuant to subsection (c) of Section 10 of the Illinois Educational Labor Relations Act, provided that, in making such a decision, the district does not fail to adhere to procedural requirements in a collective bargaining agreement relating to the filling of new or vacant teaching positions. Provisions regarding the filling of new and vacant positions in a collective bargaining agreement between a school district and the exclusive bargaining representative of its teachers in existence on the effective date of this amendatory Act of the 97th General Assembly shall remain in full force and effect for the term of the agreement, unless terminated by mutual agreement.

Nothing in this amendatory Act of the 97th General Assembly (i) limits or otherwise impacts school districts' management right to hire new employees, (ii) affects what currently is or may be a mandatory subject of bargaining under the Illinois Educational Labor Relations Act, or (iii) creates a statutory cause of action for a candidate or a candidate's representative to challenge a school district's selection decision based on the school district's failure to adhere to the requirements of this Section.

(105 ILCS 5/24-11) (from Ch. 122, par. 24-11)

Sec. 24-11. Boards of Education - Boards of School Inspectors - Contractual continued service.

(a) As used in this and the succeeding Sections of this Article:

"Teacher" means any or all school district employees regularly required to be certified under laws relating to the certification of teachers.

"Board" means board of directors, board of education, or board of school inspectors, as the case may be.

"School term" means that portion of the school year, July 1 to the following June 30, when school is in actual session.

"Program" means a program of a special education joint agreement.

"Program of a special education joint agreement" means instructional, consultative, supervisory, administrative, diagnostic, and related services that are managed by a special educational joint agreement designed to service 2 or more school districts that are members of the joint agreement.

"PERA implementation date" means the implementation date of an evaluation system for teachers as specified by Section 24A-2.5 of this Code for all schools within a school district or all programs of a special education joint agreement.

(b) This Section and Sections 24-12 through 24-16 of this Article apply only to school districts having less than 500,000 inhabitants.

(c) Any teacher who is first employed as a full-time teacher in a school district or program prior to the PERA implementation date and ~~Any teacher~~ who is ~~has been~~ employed in that ~~any~~ district or program ~~as a full-time teacher~~ for a probationary period of 4 ~~2~~ consecutive school terms shall enter upon contractual continued service in the district or in all of the programs that the teacher is legally qualified to hold, unless the teacher is given written notice of dismissal ~~stating the specific reason therefor,~~ by certified mail, return receipt requested , by the employing board at least 45 days before the end of any school term within such period ~~; except that for a teacher who is first employed as a full-time teacher by a school district on or after January 1, 1998 and who has not before that date already entered upon contractual continued service in that district, the probationary period shall be 4 consecutive school terms before the teacher shall enter upon contractual continued service. For the purpose of determining contractual continued service, the first probationary year shall be any full-time employment from a date before November 1 through the end of the school year~~.

(d) For any teacher who is first employed as a full-time teacher in a school district or program on or after the PERA implementation date, the probationary period shall be one of the following periods, based upon the teacher's school terms of service and performance, before the teacher shall enter upon contractual continued service in the district or in all of the programs that the teacher is legally qualified to hold, unless the teacher is given written notice of dismissal by certified mail, return receipt requested, by the employing board at least 45 days before the end of any school term within such period:

(1) 4 consecutive school terms of service in which the teacher receives overall annual evaluation

ratings of at least "Proficient" in the last school term and at least "Proficient" in either the second or third school term;

(2) 3 consecutive school terms of service in which the teacher receives 3 overall annual evaluations of "Excellent"; or

(3) 2 consecutive school terms of service in which the teacher receives 2 overall annual evaluations of "Excellent" service, but only if the teacher (i) previously attained contractual continued service in a different school district or program in this State, (ii) voluntarily departed or was honorably dismissed from that school district or program in the school term immediately prior to the teacher's first school term of service applicable to the attainment of contractual continued service under this subdivision (3), and (iii) received, in his or her 2 most recent overall annual or biannual evaluations from the prior school district or program, ratings of "Proficient", with both such ratings occurring after the school district's or program's PERA implementation date.

If the teacher does not receive overall annual evaluations of "Excellent" in the school terms necessary for eligibility to achieve accelerated contractual continued service in subdivisions (2) and (3) of this subsection (d), the teacher shall be eligible for contractual continued service pursuant to subdivision (1) of this subsection (d). If, at the conclusion of 4 consecutive school terms of service that count toward attainment of contractual continued service, the teacher's performance does not qualify the teacher for contractual continued service under subdivision (1) of this subsection (d), then the teacher shall not enter upon contractual continued service and shall be dismissed. If a performance evaluation is not conducted for any school term when such evaluation is required to be conducted under Section 24A-5 of this Code, then the teacher's performance evaluation rating for such school term for purposes of determining the attainment of contractual continued service shall be deemed "Proficient".

(e) For the purposes of determining contractual continued service, a school term shall be counted only toward attainment of contractual continued service if the teacher actually teaches or is otherwise present and participating in the district's or program's educational program for 120 days or more, provided that the days of leave under the federal Family Medical Leave Act that the teacher is required to take until the end of the school term shall be considered days of teaching or participation in the district's or program's educational program. A school term that is not counted toward attainment of contractual continued service shall not be considered a break in service for purposes of determining whether a teacher has been employed for 4 consecutive school terms, provided that the teacher actually teaches or is otherwise present and participating in the district's or program's educational program in the following school term.

(f) If the employing board determines to dismiss the teacher in the last year of the probationary period as provided in subsection (c) of this Section or subdivision (1) or (2) of subsection (d) of this Section, but not subdivision (3) of subsection (d) of this Section, the written notice of dismissal provided by the employing board must contain specific reasons for dismissal. Any full-time teacher who does not receive written notice from the employing board at least 45 days before the end of any school term as provided in this Section and whose performance does not require dismissal after the fourth probationary year pursuant to subsection (d) of this Section shall be re-employed for the following school term.

~~If, however, a teacher who was first employed prior to January 1, 1998 has not had one school term of full-time teaching experience before the beginning of a probationary period of 2 consecutive school terms, the employing board may at its option extend the probationary period for one additional school term by giving the teacher written notice by certified mail, return receipt requested, at least 45 days before the end of the second school term of the period of 2 consecutive school terms referred to above. This notice must state the reasons for the one year extension and must outline the corrective actions that the teacher must take to satisfactorily complete probation. The changes made by this amendatory Act of 1998 are declaratory of existing law.~~

~~Any full-time teacher who is not completing the last year of the probationary period described in the preceding paragraph, or any teacher employed on a full-time basis not later than January 1 of the school term, shall receive written notice from the employing board at least 45 days before the end of any school term whether or not he will be re-employed for the following school term. If the board fails to give such notice, the employee shall be deemed reemployed, and not later than the close of the then current school term the board shall issue a regular contract to the employee as though the board had reemployed him in the usual manner.~~

(g) Contractual continued service shall continue in effect the terms and provisions of the contract with the teacher during the last school term of the probationary period, subject to this Act and the lawful regulations of the employing board. This Section and succeeding Sections do not modify any existing power of the board except with respect to the procedure of the discharge of a teacher and reductions in salary as hereinafter provided. Contractual continued service status shall not restrict the power of the

board to transfer a teacher to a position which the teacher is qualified to fill or to make such salary adjustments as it deems desirable, but unless reductions in salary are uniform or based upon some reasonable classification, any teacher whose salary is reduced shall be entitled to a notice and a hearing as hereinafter provided in the case of certain dismissals or removals.

(h) If, by reason of any change in the boundaries of school districts or by reason of the creation of a new school district, the position held by any teacher having a contractual continued service status is transferred from one board to the control of a new or different board, then the contractual continued service status of the teacher is not thereby lost, and such new or different board is subject to this Code with respect to the teacher in the same manner as if the teacher were its employee and had been its employee during the time the teacher was actually employed by the board from whose control the position was transferred.

(i) The employment of any teacher in a program of a special education joint agreement established under Section 3-15.14, 10-22.31 or 10-22.31a shall be governed by ~~under~~ this and succeeding Sections of this Article. For purposes of attaining and maintaining contractual continued service and computing length of continuing service as referred to in this Section and Section 24-12, employment in a special educational joint program shall be deemed a continuation of all previous certificated employment of such teacher for such joint agreement whether the employer of the teacher was the joint agreement, the regional superintendent, or one of the participating districts in the joint agreement.

(j) For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of a reduction in the number of programs or positions in the joint agreement in which the notice of dismissal is provided on or before the end of the 2010-2011 school term, the teacher in contractual continued service is eligible for employment in the joint agreement programs for which the teacher is legally qualified in order of greater length of continuing service in the joint agreement, unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement. For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of a reduction in the number of programs or positions in the joint agreement in which the notice of dismissal is provided during the 2011-2012 school term or a subsequent school term, the teacher shall be included on the honorable dismissal lists of all joint agreement programs for positions for which the teacher is qualified and is eligible for employment in such programs in accordance with subsections (b) and (c) of Section 24-12 of this Code and the applicable honorable dismissal policies of the joint agreement.

(k) For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of the dissolution of a joint agreement, in which the notice to teachers of the dissolution is provided during the 2010-2011 school term, the teacher in contractual continued service who is legally qualified shall be assigned to any comparable position in a member district currently held by a teacher who has not entered upon contractual continued service or held by a teacher who has entered upon contractual continued service with a shorter length of contractual continued service. Any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of the dissolution of a joint agreement in which the notice to teachers of the dissolution is provided during the 2011-2012 school term or a subsequent school term, the teacher who is qualified shall be included on the order of honorable dismissal lists of each member district and shall be assigned to any comparable position in any such district in accordance with subsections (b) and (c) of Section 24-12 of this Code and the applicable honorable dismissal policies of each member district.

~~Any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, for a probationary period of two consecutive years shall enter upon contractual continued service in all of the programs conducted by such joint agreement which the teacher is legally qualified to hold; except that for a teacher who is first employed on or after January 1, 1998 in a program of a special education joint agreement and who has not before that date already entered upon contractual continued service in all of the programs conducted by the joint agreement that the teacher is legally qualified to hold, the probationary period shall be 4 consecutive years before the teacher enters upon contractual continued service in all of those programs. In the event of a reduction in the number of programs or positions in the joint agreement, the teacher on contractual continued service shall be eligible for employment in the joint agreement programs for which the teacher is legally qualified in~~

~~order of greater length of continuing service in the joint agreement unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement. In the event of the dissolution of a joint agreement, the teacher on contractual continued service who is legally qualified shall be assigned to any comparable position in a member district currently held by a teacher who has not entered upon contractual continued service or held by a teacher who has entered upon contractual continued service with shorter length of contractual continued service.~~

(l) The governing board of the joint agreement, or the administrative district, if so authorized by the articles of agreement of the joint agreement, rather than the board of education of a school district, may carry out employment and termination actions including dismissals under this Section and Section 24-12.

~~For purposes of this and succeeding Sections of this Article, a program of a special educational joint agreement shall be defined as instructional, consultative, supervisory, administrative, diagnostic, and related services which are managed by the special educational joint agreement designed to service two or more districts which are members of the joint agreement.~~

~~Each joint agreement shall be required to post by February 1, a list of all its employees in order of length of continuing service in the joint agreement, unless an alternative method of determining a sequence of dismissal is established in an applicable collective bargaining agreement.~~

(m) The employment of any teacher in a special education program authorized by Section 14-1.01 through 14-14.01, or a joint educational program established under Section 10-22.31a, shall be under this and the succeeding Sections of this Article, and such employment shall be deemed a continuation of the previous employment of such teacher in any of the participating districts, regardless of the participation of other districts in the program.

(n) Any teacher employed as a full-time teacher in a special education program prior to September 23, 1987 in which 2 or more school districts participate for a probationary period of 2 consecutive years shall enter upon contractual continued service in each of the participating districts, subject to this and the succeeding Sections of this Article, and, notwithstanding Section 24-1.5 of this Code, in the event of the termination of the program shall be eligible for any vacant position in any of such districts for which such teacher is qualified.

(Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98.)

(105 ILCS 5/24-12) (from Ch. 122, par. 24-12)

Sec. 24-12. Removal or dismissal of teachers in contractual continued service.

(a) This subsection (a) applies only to honorable dismissals and recalls in which the notice of dismissal is provided on or before the end of the 2010-2011 school term. If a teacher in contractual continued service is removed or dismissed as a result of a decision of the board to decrease the number of teachers employed by the board or to discontinue some particular type of teaching service, written notice shall be mailed to the teacher and also given the teacher either by certified mail, return receipt requested or personal delivery with receipt at least 60 days before the end of the school term, together with a statement of honorable dismissal and the reason therefor, and in all such cases the board shall first remove or dismiss all teachers who have not entered upon contractual continued service before removing or dismissing any teacher who has entered upon contractual continued service and who is legally qualified to hold a position currently held by a teacher who has not entered upon contractual continued service.

As between teachers who have entered upon contractual continued service, the teacher or teachers with the shorter length of continuing service with the district shall be dismissed first unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement or contract between the board and a professional faculty members' organization and except that this provision shall not impair the operation of any affirmative action program in the district, regardless of whether it exists by operation of law or is conducted on a voluntary basis by the board. Any teacher dismissed as a result of such decrease or discontinuance shall be paid all earned compensation on or before the third business day following the last day of pupil attendance in the regular school term.

If the board has any vacancies for the following school term or within one calendar year from the beginning of the following school term, the positions thereby becoming available shall be tendered to the teachers so removed or dismissed so far as they are legally qualified to hold such positions; provided, however, that if the number of honorable dismissal notices based on economic necessity exceeds 15% of the number of full time equivalent positions filled by certified employees (excluding principals and administrative personnel) during the preceding school year, then if the board has any vacancies for the following school term or within 2 calendar years from the beginning of the following school term, the positions so becoming available shall be tendered to the teachers who were so notified and removed or dismissed whenever they are legally qualified to hold such positions. Each board shall, in consultation with any exclusive employee representatives, each year establish a list, categorized by positions,

showing the length of continuing service of each teacher who is qualified to hold any such positions, unless an alternative method of determining a sequence of dismissal is established as provided for in this Section, in which case a list shall be made in accordance with the alternative method. Copies of the list shall be distributed to the exclusive employee representative on or before February 1 of each year. Whenever the number of honorable dismissal notices based upon economic necessity exceeds 5, or 150% of the average number of teachers honorably dismissed in the preceding 3 years, whichever is more, then the board also shall hold a public hearing on the question of the dismissals. Following the hearing and board review the action to approve any such reduction shall require a majority vote of the board members.

(b) This subsection (b) applies only to honorable dismissals and recalls in which the notice of dismissal is provided during the 2011-2012 school term or a subsequent school term. If any teacher, whether or not in contractual continued service, is removed or dismissed as a result of a decision of a school board to decrease the number of teachers employed by the board, a decision of a school board to discontinue some particular type of teaching service, or a reduction in the number of programs or positions in a special education joint agreement, then written notice must be mailed to the teacher and also given to the teacher either by certified mail, return receipt requested, or personal delivery with receipt at least 45 days before the end of the school term, together with a statement of honorable dismissal and the reason therefor, and in all such cases the sequence of dismissal shall occur in accordance with this subsection (b); except that this subsection (b) shall not impair the operation of any affirmative action program in the school district, regardless of whether it exists by operation of law or is conducted on a voluntary basis by the board.

Each teacher must be categorized into one or more positions for which the teacher is qualified to hold, based upon legal qualifications and any other qualifications established in a district or joint agreement job description, on or before the May 10 prior to the school year during which the sequence of dismissal is determined. Within each position and subject to agreements made by the joint committee on honorable dismissals that are authorized by subsection (c) of this Section, the school district or joint agreement must establish 4 groupings of teachers qualified to hold the position as follows:

(1) Grouping one shall consist of each teacher not in contractual continued service who has not received a performance evaluation rating.

(2) Grouping 2 shall consist of each teacher with a Needs Improvement or Unsatisfactory performance evaluation rating on either of the teacher's last 2 performance evaluation ratings.

(3) Grouping 3 shall consist of each teacher with a performance evaluation rating of at least Satisfactory or Proficient on both of the teacher's last 2 performance evaluation ratings, if 2 ratings are available, or on the teacher's last performance evaluation rating, if only one rating is available, unless the teacher qualifies for placement into grouping 4.

(4) Grouping 4 shall consist of each teacher whose last 2 performance evaluation ratings are Excellent and each teacher with 2 Excellent performance evaluation ratings out of the teacher's last 3 performance evaluation ratings with a third rating of Satisfactory or Proficient.

Among teachers qualified to hold a position, teachers must be dismissed in the order of their groupings, with teachers in grouping one dismissed first and teachers in grouping 4 dismissed last.

Within grouping one, the sequence of dismissal must be at the discretion of the school district or joint agreement. Within grouping 2, the sequence of dismissal must be based upon average performance evaluation ratings, with the teacher or teachers with the lowest average performance evaluation rating dismissed first. A teacher's average performance evaluation rating must be calculated using the average of the teacher's last 2 performance evaluation ratings, if 2 ratings are available, or the teacher's last performance evaluation rating, if only one rating is available, using the following numerical values: 4 for Excellent; 3 for Proficient or Satisfactory; 2 for Needs Improvement; and 1 for Unsatisfactory. As between or among teachers in grouping 2 with the same average performance evaluation rating and within each of groupings 3 and 4, the teacher or teachers with the shorter length of continuing service with the school district or joint agreement must be dismissed first unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement or contract between the board and a professional faculty members' organization.

Each board, including the governing board of a joint agreement, shall, in consultation with any exclusive employee representatives, each year establish a sequence of honorable dismissal list categorized by positions and the groupings defined in this subsection (b). Copies of the list must be distributed to the exclusive bargaining representative at least 75 days before the end of the school term, provided that the school district or joint agreement may, with notice to any exclusive employee representatives, move teachers from grouping one into another grouping during the period of time from 75 days until 45 days before the end of the school term.

Any teacher dismissed as a result of such decrease or discontinuance must be paid all earned compensation on or before the third business day following the last day of pupil attendance in the regular school term.

If the board or joint agreement has any vacancies for the following school term or within one calendar year from the beginning of the following school term, the positions thereby becoming available must be tendered to the teachers so removed or dismissed who were in groupings 3 or 4 of the sequence of dismissal and are qualified to hold the positions, based upon legal qualifications and any other qualifications established in a district or joint agreement job description, on or before the May 10 prior to the date of the positions becoming available, provided that if the number of honorable dismissal notices based on economic necessity exceeds 15% of the number of full-time equivalent positions filled by certified employees (excluding principals and administrative personnel) during the preceding school year, then the recall period is for the following school term or within 2 calendar years from the beginning of the following school term. Among teachers eligible for recall pursuant to the preceding sentence, the order of recall must be in inverse order of dismissal, unless an alternative order of recall is established in a collective bargaining agreement or contract between the board and a professional faculty members' organization. Whenever the number of honorable dismissal notices based upon economic necessity exceeds 5 notices or 150% of the average number of teachers honorably dismissed in the preceding 3 years, whichever is more, then the school board or governing board of a joint agreement, as applicable, shall also hold a public hearing on the question of the dismissals. Following the hearing and board review, the action to approve any such reduction shall require a majority vote of the board members.

For purposes of this subsection (b), subject to agreement on an alternative definition reached by the joint committee described in subsection (c) of this Section, a teacher's performance evaluation rating means the overall performance evaluation rating resulting from an annual or biannual performance evaluation conducted pursuant to Article 24A of this Code by the school district or joint agreement determining the sequence of dismissal, not including any performance evaluation conducted during or at the end of a remediation period. For performance evaluation ratings determined prior to September 1, 2012, any school district or joint agreement with a performance evaluation rating system that does not use either of the rating category systems specified in subsection (d) of Section 24A-5 of this Code for all teachers must establish a basis for assigning each teacher a rating that complies with subsection (d) of Section 24A-5 of this Code for all of the performance evaluation ratings that are to be used to determine the sequence of dismissal. A teacher's grouping and ranking on a sequence of honorable dismissal shall be deemed a part of the teacher's performance evaluation, and that information may be disclosed to the exclusive bargaining representative as part of a sequence of honorable dismissal list, notwithstanding any laws prohibiting disclosure of such information. A performance evaluation rating may be used to determine the sequence of dismissal, notwithstanding the pendency of any grievance resolution or arbitration procedures relating to the performance evaluation. If a teacher has received at least one performance evaluation rating conducted by the school district or joint agreement determining the sequence of dismissal and a subsequent performance evaluation is not conducted in any school year in which such evaluation is required to be conducted under Section 24A-5 of this Code, the teacher's performance evaluation rating for that school year for purposes of determining the sequence of dismissal is deemed Proficient. If a performance evaluation rating is nullified as the result of an arbitration determination, then the school district or joint agreement is deemed to have conducted a performance evaluation for that school year, but the performance evaluation rating may not be used in determining the sequence of dismissal.

Nothing in this subsection (b) shall be construed as limiting the right of a school board or governing board of a joint agreement to dismiss a teacher not in contractual continued service in accordance with Section 24-11 of this Code.

Any provisions regarding the sequence of honorable dismissals and recall of honorably dismissed teachers in a collective bargaining agreement entered into on or before January 1, 2011 and in effect on the effective date of this amendatory Act of the 97th General Assembly that may conflict with this amendatory Act of the 97th General Assembly shall remain in effect through the expiration of such agreement or June 30, 2013, whichever is earlier.

(c) Each school district and special education joint agreement must use a joint committee composed of equal representation selected by the school board and its teachers or, if applicable, the exclusive bargaining representative of its teachers, to address the matters described in paragraphs (1) through (5) of this subsection (c) pertaining to honorable dismissals under subsection (b) of this Section.

(1) The joint committee must consider and may agree to criteria for excluding from grouping 2 and placing into grouping 3 a teacher whose last 2 performance evaluations include a Needs Improvement

and either a Proficient or Excellent.

(2) The joint committee must consider and may agree to an alternative definition for grouping 4, which definition must take into account prior performance evaluation ratings and may take into account other factors that relate to the school district's or program's educational objectives. An alternative definition for grouping 4 may not permit the inclusion of a teacher in the grouping with a Needs Improvement or Unsatisfactory performance evaluation rating on either of the teacher's last 2 performance evaluation ratings.

(3) The joint committee may agree to including within the definition of a performance evaluation rating a performance evaluation rating administered by a school district or joint agreement other than the school district or joint agreement determining the sequence of dismissal.

(4) For each school district or joint agreement that administers performance evaluation ratings that are inconsistent with either of the rating category systems specified in subsection (d) of Section 24A-5 of this Code, the school district or joint agreement must consult with the joint committee on the basis for assigning a rating that complies with subsection (d) of Section 24A-5 of this Code to each performance evaluation rating that will be used in a sequence of dismissal.

(5) Upon request by a joint committee member submitted to the employing board by no later than 10 days after the distribution of the sequence of honorable dismissal list, a representative of the employing board shall, within 5 days after the request, provide to members of the joint committee a list showing the most recent and prior performance evaluation ratings of each teacher identified only by length of continuing service in the district or joint agreement and not by name. If, after review of this list, a member of the joint committee has a good faith belief that a disproportionate number of teachers with greater length of continuing service with the district or joint agreement have received a recent performance evaluation rating lower than the prior rating, the member may request that the joint committee review the list to assess whether such a trend may exist. Following the joint committee's review, but by no later than the end of the applicable school term, the joint committee or any member or members of the joint committee may submit a report of the review to the employing board and exclusive bargaining representative, if any. Nothing in this paragraph (5) shall impact the order of honorable dismissal or a school district's or joint agreement's authority to carry out a dismissal in accordance with subsection (b) of this Section.

Agreement by the joint committee as to a matter requires the majority vote of all committee members, and if the joint committee does not reach agreement on a matter, then the otherwise applicable requirements of subsection (b) of this Section shall apply. Except as explicitly set forth in this subsection (c), a joint committee has no authority to agree to any further modifications to the requirements for honorable dismissals set forth in subsection (a) of this Section. The joint committee must be established and the first meeting of the joint committee must occur on or before December 1, 2011 or 30 days after the effective date of this amendatory act of the 97th General Assembly, whichever is later.

The joint committee must reach agreement on a matter on or before February 1 of a school year in order for the agreement of the joint committee to apply to the sequence of dismissal determined during that school year. Subject to the February 1 deadline for agreements, the agreement of a joint committee on a matter shall apply to the sequence of dismissal until the agreement is amended or terminated by the joint committee.

(d) Notwithstanding anything to the contrary in this subsection (d), the requirements and dismissal procedures of Section 24-16.5 of this Code shall apply to any dismissal sought under Section 24-16.5 of this Code.

(1) If a dismissal of a teacher in contractual continued service ~~or removal~~ is sought for any ~~other~~ reason or cause other than an honorable dismissal under subsections (a) or (b) of this Section or a dismissal sought under Section 24-16.5 of this Code, including those under Section 10-22.4, the board must first approve a motion containing specific charges by a majority vote of all its members. Written notice of such charges, including a bill of particulars and the teacher's right to request a hearing, must be mailed to the teacher and also given to the teacher either by certified mail, return receipt requested, or personal delivery with receipt ~~shall be served upon the teacher~~ within 5 days of the adoption of the motion. Any written notice sent on or after July 1, 2012 shall inform the teacher of the right to request a hearing before a mutually-selected hearing officer, with the cost of the hearing officer split equally between the teacher and the board, or a hearing before a board-selected hearing officer, with the cost of the hearing officer paid by the board. ~~Such notice shall contain a bill of particulars.~~

Before setting a hearing on charges stemming from causes that are considered remediable, a board must give the teacher reasonable warning in writing, stating specifically the causes that, if not removed, may result in charges; however, no such written warning is required if the causes have been the subject

of a remediation plan pursuant to Article 24A of this Code.

If, in the opinion of the board, the interests of the school require it, the board may suspend the teacher without pay, pending the hearing, but if the board's dismissal or removal is not sustained, the teacher shall not suffer the loss of any salary or benefits by reason of the suspension.

(2) No hearing upon the charges is required unless the teacher within 17 ~~10~~ days after receiving notice requests in writing of the board that a hearing be scheduled before a mutually-selected hearing officer or a hearing officer selected by the board ~~, in which case the board shall schedule a hearing on those charges before a disinterested hearing officer on a date no less than 15 nor more than 30 days after the enactment of the motion~~. The secretary of the school board shall forward a copy of the notice to the State Board of Education.

(3) Within 5 business days after receiving a ~~this~~ notice of hearing in which either notice to the teacher was sent before July 1, 2012 or, if the notice was sent on or after July 1, 2012, the teacher has requested a hearing before a mutually-selected hearing officer, the State Board of Education shall provide a list of 5 prospective, impartial hearing officers from the master list of qualified, impartial hearing officers maintained by the State Board of Education. Each person on the master list must (i) be accredited by a national arbitration organization and have had a minimum of 5 years of experience directly related to labor and employment relations matters between ~~educational~~ employers and ~~educational~~ employees or their exclusive bargaining representatives and (ii) beginning September 1, 2012, have participated in training provided or approved by the State Board of Education for teacher dismissal hearing officers so that he or she is familiar with issues generally involved in evaluative and non-evaluative dismissals.

If notice to the teacher was sent before July 1, 2012 or, if the notice was sent on or after July 1, 2012, the teacher has requested a hearing before a mutually-selected hearing officer, the board ~~. No one on the list may be a resident of the school district. The Board~~ and the teacher or their legal representatives within 3 business days shall alternately strike one name from the list provided by the State Board of Education until only one name remains. Unless waived by the teacher, the teacher shall have the right to proceed first with the striking. Within 3 business days of receipt of the ~~first~~ list provided by the State Board of Education, the board and the teacher or their legal representatives shall each have the right to reject all prospective hearing officers named on the ~~first~~ list and notify the State Board of Education of such rejection ~~to require the State Board of Education to provide a second list of 5 prospective, impartial hearing officers, none of whom were named on the first list~~. Within 3 business ~~5~~ days after receiving this notification ~~request for a second list~~, the State Board of Education shall appoint a qualified person from the master list who did not appear on the list sent to the parties to serve as the hearing officer, unless the parties notify it that they have chosen to alternatively select a hearing officer under paragraph (4) of this subsection (d) ~~provide the second list of 5 prospective, impartial hearing officers. The procedure for selecting a hearing officer from the second list shall be the same as the procedure for the first list~~.

If the teacher has requested a hearing before a hearing officer selected by the board, the board shall select one name from the master list of qualified impartial hearing officers maintained by the State Board of Education within 3 business days after receipt and shall notify the State Board of Education of its selection.

A hearing officer mutually selected by the parties, selected by the board, or selected through an alternative selection process under paragraph (4) of this subsection (d) (A) must not be a resident of the school district, (B) must be available to commence the hearing within 75 days and conclude the hearing within 120 days after being selected as the hearing officer, and (C) must issue a decision as to whether the teacher must be dismissed and give a copy of that decision to both the teacher and the board within 30 days from the conclusion of the hearing or closure of the record, whichever is later.

(4) In the alternative to selecting a hearing officer from the ~~first or second~~ list received from the State Board of Education accepting the appointment of a hearing officer by the State Board of Education or if the State Board of Education cannot provide a list or appoint a hearing officer that meets the foregoing requirements, the board and the teacher or their legal representatives may mutually agree to select an impartial hearing officer who is not on the master ~~a~~ list ~~received from the State Board of Education~~ either by direct appointment by the parties or by using procedures for the appointment of an arbitrator established by the Federal Mediation and Conciliation Service or the American Arbitration Association. The parties shall notify the State Board of Education of their intent to select a hearing officer using an alternative procedure within 3 business days of receipt of a list of prospective hearing officers provided by the State Board of Education, notice of appointment of a hearing officer by the State Board of Education, or receipt of notice from the State Board of Education that it cannot provide a list that meets the foregoing requirements, whichever is later.

(5) If the notice of dismissal was sent to the teacher before July 1, 2012, the fees and costs for the hearing officer must be paid by the State Board of Education. If the notice of dismissal was sent to the teacher on or after July 1, 2012, the hearing officer's fees and costs must be paid as follows in this paragraph (5). The fees and permissible costs for the hearing officer must be determined by the State Board of Education. If the board and the teacher or their legal representatives mutually agree to select an impartial hearing officer who is not on a list received from the State Board of Education, they may agree to supplement the fees determined by the State Board to the hearing officer, at a rate consistent with the hearing officer's published professional fees. If the hearing officer is mutually selected by the parties, then the board and the teacher or their legal representatives shall each pay 50% of the fees and costs and any supplemental allowance to which they agree. If the hearing officer is selected by the board, then the board shall pay 100% of the hearing officer's fees and costs. The fees and costs must be paid to the hearing officer within 14 days after the board and the teacher or their legal representatives receive the hearing officer's decision set forth in paragraph (7) of this subsection (d).

(6) The teacher is required to answer the bill of particulars and aver affirmative matters in his or her defense, and the time for initially doing so and the time for updating such answer and defenses after pre-hearing discovery must be set by the hearing officer. ~~Any person selected by the parties under this alternative procedure for the selection of a hearing officer shall not be a resident of the school district and shall have the same qualifications and authority as a hearing officer selected from a list provided by the State Board of Education.~~ The State Board of Education shall promulgate ~~uniform standards and~~ rules so that each party has a fair opportunity to present its case and to ensure that the dismissal process proceeds in a fair and expeditious manner ~~of procedure for such hearings~~. These rules shall address, without limitation, discovery and hearing scheduling conferences; the teacher's initial answer and affirmative defenses to the bill of particulars and the updating of that information after pre-hearing discovery; provision for written interrogatories and requests for production of documents; the requirement that each party initially disclose to the other party and then update the disclosure no later than 10 calendar days prior to the commencement of the hearing, the ~~As to prehearing discovery, such rules and regulations shall, at a minimum, allow for: (1) discovery of~~ names and addresses of persons who may be called as ~~expert~~ witnesses at the hearing, a summary of the facts or opinions each witness will testify to, and all other ~~the omission of any such name to result in a preclusion of the testimony of such witness in the absence of a showing of good cause and the express permission of the hearing officer; (2) bills of particulars; (3) written interrogatories; and (4) production of relevant~~ documents and materials, including information maintained electronically, relevant to its own as well as the other party's case (the hearing officer may exclude witnesses and exhibits not identified and shared, except those offered in rebuttal for which the party could not reasonably have anticipated prior to the hearing); pre-hearing discovery and preparation, including provision for written interrogatories and requests for production of documents, provided that discovery depositions are prohibited; the conduct of the hearing; the right of each party to be represented by counsel, the offer of evidence and witnesses and the cross-examination of witnesses; the authority of the hearing officer to issue subpoenas and subpoenas duces tecum, provided that the hearing officer may limit the number of witnesses to be subpoenaed on behalf of each party to no more than 7; the length of post-hearing briefs; and the form, length, and content of hearing officers' decisions. ~~The per diem allowance for the hearing officer shall be determined and paid by the State Board of Education.~~ The hearing officer shall hold a hearing and render a final decision for dismissal pursuant to Article 24A of this Code or shall report to the school board findings of fact and a recommendation as to whether or not the teacher must be dismissed for conduct. The hearing officer shall commence the hearing within 75 days and conclude the hearing within 120 days after being selected as the hearing officer, provided that the hearing officer may modify these timelines upon the showing of good cause or mutual agreement of the parties. Good cause for the purpose of this subsection (d) shall mean the illness or otherwise unavoidable emergency of the teacher, district representative, their legal representatives, the hearing officer, or an essential witness as indicated in each party's pre-hearing submission. In a dismissal hearing pursuant to Article 24A of this Code, the hearing officer shall consider and give weight to all of the teacher's evaluations written pursuant to Article 24A that are relevant to the issues in the hearing.

Each party shall have no more than 3 days to present its case, unless extended by the hearing officer to enable a party to present adequate evidence and testimony, including due to the other party's cross-examination of the party's witnesses, for good cause or by mutual agreement of the parties. The State Board of Education shall define in rules the meaning of "day" for such purposes. ~~The teacher has the privilege of being present at the hearing with counsel and of cross examining witnesses and may offer evidence and witnesses and present defenses to the charges. The hearing officer may issue~~

~~subpoenas and subpoenas duces tecum requiring the attendance of witnesses and, at the request of the teacher against whom a charge is made or the board, shall issue such subpoenas, but the hearing officer may limit the number of witnesses to be subpoenaed in behalf of the teacher or the board to not more than 10.~~ All testimony at the hearing shall be taken under oath administered by the hearing officer. The hearing officer shall cause a record of the proceedings to be kept and shall employ a competent reporter to take stenographic or stenotype notes of all the testimony. The costs of the reporter's attendance and services at the hearing shall be paid by the party or parties who are responsible for paying the fees and costs of the hearing officer ~~State Board of Education~~. Either party desiring a transcript of the hearing shall pay for the cost thereof. Any post-hearing briefs must be submitted by the parties by no later than 21 days after a party's receipt of the transcript of the hearing, unless extended by the hearing officer for good cause or by mutual agreement of the parties.

(7) ~~If in the opinion of the board the interests of the school require it, the board may suspend the teacher pending the hearing, but if acquitted the teacher shall not suffer the loss of any salary by reason of the suspension.~~

~~Before setting a hearing on charges stemming from causes that are considered remediable, a board must give the teacher reasonable warning in writing, stating specifically the causes which, if not removed, may result in charges; however, no such written warning shall be required if the causes have been the subject of a remediation plan pursuant to Article 24A. The hearing officer shall consider and give weight to all of the teacher's evaluations written pursuant to Article 24A.~~The hearing officer shall, within 30 days from the conclusion of the hearing or closure of the record, whichever is later, make a decision as to whether or not the teacher shall be dismissed pursuant to Article 24A of this Code or report to the school board findings of fact and a recommendation as to whether or not the teacher shall be dismissed for cause and shall give a copy of the decision or findings of fact and recommendation to both the teacher and the school board. ~~If the hearing officer fails to render a decision within 30 days, the State Board of Education shall communicate with the hearing officer to determine the date that the parties can reasonably expect to receive the decision. The State Board of Education shall provide copies of all such communications to the parties. In the event the hearing officer fails without good cause to make a decision within the 30 day period, the name of such hearing officer shall be struck for a period of not more than 24 months from the master list of hearing officers maintained by the State Board of Education.~~ If a hearing officer fails without good cause , specifically provided in writing to both parties and the State Board of Education, to render a decision or findings of fact and recommendation within 30 days ~~3 months~~ after the hearing is concluded or the record is closed, whichever is later, the ~~State Board of Education shall provide the parties with a new list of prospective, impartial hearing officers, with the same qualifications provided herein, one of whom shall be selected, as provided in this Section, to review the record and render a decision. The~~ parties may mutually agree to select a hearing officer pursuant to the alternative procedure, as provided in this Section, to rehear the charges heard by the hearing officer who failed to render a decision or findings of fact and recommendation or to review the record and render a decision. If any ~~the~~ hearing officer fails without good cause , specifically provided in writing to both parties and the State Board of Education, to render a decision or findings of fact and recommendation within 30 days ~~3 months~~ after the hearing is concluded or the record is closed, whichever is later, the hearing officer shall be removed from the master list of hearing officers maintained by the State Board of Education for not more than 24 months. The parties and the State Board of Education may also take such other actions as it deems appropriate, including recovering, reducing, or withholding any fees paid or to be paid to the hearing officer. If any hearing officer repeats such failure, he or she must be permanently removed from the master list maintained by the State Board of Education and may not be selected by parties through the alternative selection process under this paragraph (7) or paragraph (4) of this subsection (d). The board shall not lose jurisdiction to discharge a teacher if the hearing officer fails to render a decision or findings of fact and recommendation within the time specified in this Section. If the decision of the hearing officer for dismissal pursuant to Article 24A of this Code or of the school board for dismissal for cause is in favor of the teacher, then the hearing officer or school board shall order reinstatement to the same or substantially equivalent position and shall determine the amount for which the school board is liable, including, but not limited to, loss of income and benefits.

(8) The school board, within 45 days after receipt of the hearing officer's findings of fact and recommendation as to whether (i) the conduct at issue occurred, (ii) the conduct that did occur was remediable, and (iii) the proposed dismissal should be sustained, shall issue a written order as to whether the teacher must be retained or dismissed for cause from its employ. The school board's written order shall incorporate the hearing officer's findings of fact, except that the school board may modify or

supplement the findings of fact if, in its opinion, the findings of fact are against the manifest weight of the evidence.

If the school board dismisses the teacher notwithstanding the hearing officer's findings of fact and recommendation, the school board shall make a conclusion in its written order, giving its reasons therefor, and such conclusion and reasons must be included in its written order. The failure of the school board to strictly adhere to the timelines contained in this Section shall not render it without jurisdiction to dismiss the teacher. The school board shall not lose jurisdiction to discharge the teacher for cause if the hearing officer fails to render a recommendation within the time specified in this Section. The decision of the school board is final, unless reviewed as provided in paragraph (9) of this subsection (d).

If the school board retains the teacher, the school board shall enter a written order stating the amount of back pay and lost benefits, less mitigation, to be paid to the teacher, within 45 days after its retention order. Should the teacher object to the amount of the back pay and lost benefits or amount mitigated, the teacher shall give written objections to the amount within 21 days. If the parties fail to reach resolution within 7 days, the dispute shall be referred to the hearing officer, who shall consider the school board's written order and teacher's written objection and determine the amount to which the school board is liable. The costs of the hearing officer's review and determination must be paid by the board.

(9) The decision of the hearing officer pursuant to Article 24A of this Code or of the school board's decision to dismiss for cause is final unless reviewed as provided in Section 24-16 of this Act. If the school board's decision to dismiss for cause is contrary to the hearing officer's recommendation, the court on review shall give consideration to the school board's decision and its supplemental findings of fact, if applicable, and the hearing officer's findings of fact and recommendation in making its decision. In the event such review is instituted, the school board shall be responsible for ~~any costs of~~ preparing and filing the record of proceedings , and such costs associated therewith must be divided equally between the parties ~~shall be paid by the board~~.

(10) If a decision of the hearing officer for dismissal pursuant to Article 24A of this Code or of the school board for dismissal for cause is adjudicated upon review or appeal in favor of the teacher, then the trial court shall order reinstatement and shall remand the matter to ~~determine the amount for which~~ the school board with direction for entry of an order setting the amount of back pay, lost benefits, and costs, less mitigation. The teacher may challenge the school board's order setting the amount of back pay, lost benefits, and costs, less mitigation, through an expedited arbitration procedure, with the costs of the arbitrator borne by the school board ~~is liable including but not limited to loss of income and costs incurred therein~~.

Any teacher who is reinstated by any hearing or adjudication brought under this Section shall be assigned by the board to a position substantially similar to the one which that teacher held prior to that teacher's suspension or dismissal.

(11) The changes made by this amendatory Act of the 97th General Assembly shall apply to dismissals instituted on or after September 1, 2011 or the effective date of this amendatory Act of the 97th General Assembly, whichever is later. Any dismissal instituted prior to the effective date of these changes must be carried out in accordance with the requirements of this Section prior to amendment by this amendatory Act of 97th General Assembly.

~~If, by reason of any change in the boundaries of school districts, or by reason of the creation of a new school district, the position held by any teacher having a contractual continued service status is transferred from one board to the control of a new or different board, the contractual continued service status of such teacher is not thereby lost, and such new or different board is subject to this Act with respect to such teacher in the same manner as if such teacher were its employee and had been its employee during the time such teacher was actually employed by the board from whose control the position was transferred.~~

(Source: P.A. 89-618, eff. 8-9-96; 90-224, eff. 7-25-97.)

(105 ILCS 5/24-16) (from Ch. 122, par. 24-16)

Sec. 24-16. Judicial review of administrative decision. The provisions of the Administrative Review Law, and all amendments and modifications thereof and the rules adopted pursuant thereto, shall apply to and govern all proceedings instituted for the judicial review of final administrative decisions of the ~~a~~ hearing officer for dismissals pursuant to Article 24A of this Code or of a school board for dismissal for cause under Section 24-12 of this Article. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 82-783.)

(105 ILCS 5/24-16.5 new)

Sec. 24-16.5. Optional alternative evaluative dismissal process for PERA evaluations.

(a) As used in this Section:

"Applicable hearing requirements" means, for any school district having less than 500,000 inhabitants or a program of a special education joint agreement, those procedures and requirements relating to a teacher's request for a hearing, selection of a hearing officer, pre-hearing and hearing procedures, and post-hearing briefs set forth in paragraphs (1) through (6) of subsection (d) of Section 24-12 of this Code.

"Board" means, for a school district having less than 500,000 inhabitants or a program of a special education joint agreement, the board of directors, board of education, or board of school inspectors, as the case may be. For a school district having 500,000 inhabitants or more, "board" means the Chicago Board of Education.

"Evaluator" means an evaluator, as defined in Section 24A-2.5 of this Code, who has successfully completed the pre-qualification program described in subsection (b) of Section 24A-3 of this Code.

"Hearing procedures" means, for a school district having 500,000 inhabitants or more, those procedures and requirements relating to a teacher's request for a hearing, selection of a hearing officer, pre-hearing and hearing procedures, and post-hearing briefs set forth in paragraphs (1) through (5) of subsection (a) of Section 34-85 of this Code.

"PERA-trained board member" means a member of a board that has completed a training program on PERA evaluations either administered or approved by the State Board of Education.

"PERA evaluation" means a performance evaluation of a teacher after the implementation date of an evaluation system for teachers, as specified by Section 24A-2.5 of this Code, using a performance evaluation instrument and process that meets the minimum requirements for teacher evaluation instruments and processes set forth in rules adopted by the State Board of Education to implement Public Act 96-861.

"Remediation" means the remediation plan, mid-point and final evaluations, and related processes and requirements set forth in subdivisions (i), (j), and (k) of Section 24A-5 of this Code.

"School district" means a school district or a program of a special education joint agreement.

"Second evaluator" means an evaluator who either conducts the mid-point and final remediation evaluation or conducts an independent assessment of whether the teacher completed the remediation plan with a rating equal to or better than a "Proficient" rating, all in accordance with subdivision (c) of this Section.

"Student growth components" means the components of a performance evaluation plan described in subdivision (c) of Section 24A-5 of this Code, as may be supplemented by administrative rules adopted by the State Board of Education.

"Teacher practice components" means the components of a performance evaluation plan described in subdivisions (a) and (b) of Section 24A-5 of this Code, as may be supplemented by administrative rules adopted by the State Board of Education.

"Teacher representatives" means the exclusive bargaining representative of a school district's teachers or, if no exclusive bargaining representatives exists, a representative committee selected by teachers.

(b) This Section applies to all school districts, including those having 500,000 or more inhabitants. The optional dismissal process set forth in this Section is an alternative to those set forth in Sections 24-12 and 34-85 of this Code. Nothing in this Section is intended to change the existing practices or precedents under Section 24-12 or 34-85 of this Code, nor shall this Section be interpreted as implying standards and procedures that should or must be used as part of a remediation that precedes a dismissal sought under Section 24-12 or 34-85 of this Code.

A board may dismiss a teacher who has entered upon contractual continued service under this Section if the following are met:

(1) the cause of dismissal is that the teacher has failed to complete a remediation plan with a rating equal to or better than a "Proficient" rating;

(2) the "Unsatisfactory" performance evaluation rating that preceded remediation resulted from a PERA evaluation; and

(3) the school district has complied with subsection (c) of this Section.

A school district may not, through agreement with a teacher or its teacher representatives, waive its right to dismiss a teacher under this Section.

(c) Each school district electing to use the dismissal process set forth in this Section must comply with the pre-remediation and remediation activities and requirements set forth in this subsection (c).

(1) Before a school district's first remediation relating to a dismissal under this Section, the school district must create and establish a list of at least 2 evaluators who will be available to serve as second evaluators under this Section. The school district shall provide its teacher representatives with an opportunity to submit additional names of teacher evaluators who will be available to serve as second

evaluators and who will be added to the list created and established by the school district, provided that, unless otherwise agreed to by the school district, the teacher representatives may not submit more teacher evaluators for inclusion on the list than the number of evaluators submitted by the school district. Each teacher evaluator must either have (i) National Board of Professional Teaching Standards certification, with no "Unsatisfactory" or "Needs Improvement" performance evaluating ratings in his or her 2 most recent performance evaluation ratings; or (ii) "Excellent" performance evaluation ratings in 2 of his or her 3 most recent performance evaluations, with no "Needs Improvement" or "Unsatisfactory" performance evaluation ratings in his or her last 3 ratings. If the teacher representatives do not submit a list of teacher evaluators within 21 days after the school district's request, the school district may precede with a remediation using a list that includes only the school district's selections. Either the school district or the teacher representatives may revise or add to their selections for the list at any time with notice to the other party, subject to the limitations set forth in this paragraph (1).

(2) Before a school district's first remediation relating to a dismissal under this Section, the school district shall, in good faith cooperation with its teacher representatives, establish a process for the selection of a second evaluator from the list created pursuant to paragraph (1) of this subsection (c). Such process may be amended at any time in good faith cooperation with the teacher representatives. If the teacher representatives are given an opportunity to cooperate with the school district and elect not to do so, the school district may, at its discretion, establish or amend the process for selection. Before the hearing officer and as part of any judicial review of a dismissal under this Section, a teacher may not challenge a remediation or dismissal on the grounds that the process used by the school district to select a second evaluator was not established in good faith cooperation with its teacher representatives.

(3) For each remediation preceding a dismissal under this Section, the school district shall select a second evaluator from the list of second evaluators created pursuant to paragraph (1) of this subsection (c), using the selection process established pursuant to paragraph (2) of this subsection (c). The selected second evaluator may not be the same individual who determined the teacher's "Unsatisfactory" performance evaluation rating preceding remediation, and, if the second evaluator is an administrator, may not be a direct report to the individual who determined the teacher's "Unsatisfactory" performance evaluation rating preceding remediation. The school district's authority to select a second evaluator from the list of second evaluators must not be delegated or limited through any agreement with the teacher representatives, provided that nothing shall prohibit a school district and its teacher representatives from agreeing to a formal peer evaluation process as permitted under Article 24A of this Code that could be used to meet the requirements for the selection of second evaluators under this subsection (c).

(4) The second evaluator selected pursuant to paragraph (3) of this subsection (c) must either (i) conduct the mid-point and final evaluation during remediation or (ii) conduct an independent assessment of whether the teacher completed the remediation plan with a rating equal to or better than a "Proficient" rating, which independent assessment shall include, but is not limited to, personal or video recorded observations of the teacher that relate to the teacher practice components of the remediation plan. Nothing in this subsection (c) shall be construed to limit or preclude the participation of the evaluator who rated a teacher as "Unsatisfactory" in remediation.

(d) To institute a dismissal proceeding under this Section, the board must first provide written notice to the teacher within 30 days after the completion of the final remediation evaluation. The notice shall comply with the applicable hearing requirements and, in addition, must specify that dismissal is sought under this Section and include a copy of each performance evaluation relating to the scope of the hearing as described in this subsection (d).

The applicable hearing requirements shall apply to the teacher's request for a hearing, the selection and qualifications of the hearing officer, and pre-hearing and hearing procedures, except that all of the following must be met:

(1) The hearing officer must, in addition to meeting the qualifications set forth in the applicable hearing requirements, have successfully completed the pre-qualification program described in subsection (b) of Section 24A-3 of this Code, unless the State Board of Education waives this requirement to provide an adequate pool of hearing officers for consideration.

(2) The scope of the hearing must be limited as follows:

(A) The school district must demonstrate the following:

(i) that the "Unsatisfactory" performance evaluation rating that preceded remediation applied the teacher practice components and student growth components and determined an overall evaluation rating of "Unsatisfactory" in accordance with the standards and requirements of the school district's evaluation plan;

(ii) that the remediation plan complied with the requirements of Section 24A-5 of this Code;

(iii) that the teacher failed to complete the remediation plan with a performance evaluation

rating equal to or better than a "Proficient" rating, based upon a final remediation evaluation meeting the applicable standards and requirements of the school district's evaluation plan; and

(iv) that if the second evaluator selected pursuant to paragraph (3) of subsection (c) of this Section does not conduct the mid-point and final evaluation and makes an independent assessment that the teacher completed the remediation plan with a rating equal to or better than a "Proficient" rating, the school district must demonstrate that the final remediation evaluation is a more valid assessment of the teacher's performance than the assessment made by the second evaluator.

(B) The teacher may only challenge the substantive and procedural aspects of (i) the "Unsatisfactory" performance evaluation rating that led to the remediation, (ii) the remediation plan, and (iii) the final remediation evaluation. To the extent the teacher challenges procedural aspects, including any in applicable collective bargaining agreement provisions, of a relevant performance evaluation rating or the remediation plan, the teacher must demonstrate how an alleged procedural defect materially affected the teacher's ability to demonstrate a level of performance necessary to avoid remediation or dismissal or successfully complete the remediation plan. Without any such material effect, a procedural defect shall not impact the assessment by the hearing officer, board, or reviewing court of the validity of a performance evaluation or a remediation plan.

(C) The hearing officer shall only consider and give weight to performance evaluations relevant to the scope of the hearing as described in clauses (A) and (B) of this subdivision (2).

(3) Each party shall be given only 2 days to present evidence and testimony relating to the scope of the hearing, unless a longer period is mutually agreed to by the parties or deemed necessary by the hearing officer to enable a party to present adequate evidence and testimony to address the scope of the hearing, including due to the other party's cross-examination of the party's witnesses.

(e) The provisions of Sections 24-12 and 34-85 pertaining to the decision or recommendation of the hearing officer do not apply to dismissal proceedings under this Section. For any dismissal proceedings under this Section, the hearing officer shall not issue a decision, and shall issue only findings of fact and a recommendation, including the reasons therefor, to the board to either retain or dismiss the teacher and shall give a copy of the report to both the teacher and the superintendent of the school district. The hearing officer's findings of fact and recommendation must be issued within 30 days from the close of the record of the hearing.

The State Board of Education shall adopt rules regarding the length of the hearing officer's findings of fact and recommendation. If a hearing officer fails without good cause, specifically provided in writing to both parties and the State Board of Education, to render a recommendation within 30 days after the hearing is concluded or the record is closed, whichever is later, the parties may mutually agree to select a hearing officer pursuant to the alternative procedure, as provided in Section 24-12 or 34-85, to rehear the charges heard by the hearing officer who failed to render a recommendation or to review the record and render a recommendation. If any hearing officer fails without good cause, specifically provided in writing to both parties and the State Board of Education, to render a recommendation within 30 days after the hearing is concluded or the record is closed, whichever is later, the hearing officer shall be removed from the master list of hearing officers maintained by the State Board of Education for not more than 24 months. The parties and the State Board of Education may also take such other actions as it deems appropriate, including recovering, reducing, or withholding any fees paid or to be paid to the hearing officer. If any hearing officer repeats such failure, he or she shall be permanently removed from the master list of hearing officers maintained by the State Board of Education.

(f) The board, within 45 days after receipt of the hearing officer's findings of fact and recommendation, shall decide, through adoption of a written order, whether the teacher must be dismissed from its employ or retained, provided that only PERA-trained board members may participate in the vote with respect to the decision.

If the board dismisses the teacher notwithstanding the hearing officer's recommendation of retention, the board shall make a conclusion, giving its reasons therefor, and such conclusion and reasons must be included in its written order. The failure of the board to strictly adhere to the timelines contained in this Section does not render it without jurisdiction to dismiss the teacher. The board shall not lose jurisdiction to discharge the teacher if the hearing officer fails to render a recommendation within the time specified in this Section. The decision of the board is final, unless reviewed as provided in subsection (g) of this Section.

If the board retains the teacher, the board shall enter a written order stating the amount of back pay and lost benefits, less mitigation, to be paid to the teacher, within 45 days of its retention order.

(g) A teacher dismissed under this Section may apply for and obtain judicial review of a decision of the board in accordance with the provisions of the Administrative Review Law, except as follows:

(1) for a teacher dismissed by a school district having 500,000 inhabitants or more, such judicial

review must be taken directly to the appellate court of the judicial district in which the board maintains its primary administrative office, and any direct appeal to the appellate court must be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the teacher;

(2) for a teacher dismissed by a school district having less than 500,000 inhabitants after the hearing officer recommended dismissal, such judicial review must be taken directly to the appellate court of the judicial district in which the board maintains its primary administrative office, and any direct appeal to the appellate court must be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the teacher; and

(3) for all school districts, if the hearing officer recommended dismissal, the decision of the board may be reversed only if it is found to be arbitrary, capricious, an abuse of discretion, or not in accordance with law.

In the event judicial review is instituted by a teacher, any costs of preparing and filing the record of proceedings must be paid by the teacher. If a decision of the board is adjudicated upon judicial review in favor of the teacher, then the court shall remand the matter to the board with direction for entry of an order setting the amount of back pay, lost benefits, and costs, less mitigation. The teacher may challenge the board's order setting the amount of back pay, lost benefits, and costs, less mitigation, through an expedited arbitration procedure with the costs of the arbitrator borne by the board.

(105 ILCS 5/24A-2.5)

Sec. 24A-2.5. Definitions. In this Article:

"Evaluator" means:

(1) an administrator qualified under Section 24A-3; or

(2) other individuals qualified under Section 24A-3, provided that, if such other individuals are in the bargaining unit of a district's teachers, the district and the exclusive bargaining representative of that unit must agree to those individuals evaluating other bargaining unit members. Notwithstanding anything to the contrary in item (2) of this definition, a school district operating under Article 34 of this Code may require department chairs qualified under Section 24A-3 to evaluate teachers in their department or departments, provided that the school district shall bargain with the bargaining representative of its teachers over the impact and effects on department chairs of such a requirement.

"Implementation date" means, unless otherwise specified and provided that the requirements set forth in subsection (d) of Section 24A-20 have been met:

(1) For school districts having 500,000 or more inhabitants, in at least 300 schools by September 1, 2012 and in the remaining schools by September 1, 2013.

(2) For school districts having less than 500,000 inhabitants and receiving a Race to the Top Grant or School Improvement Grant after the effective date of this amendatory Act of the 96th General Assembly, the date specified in those grants for implementing an evaluation system for teachers and principals incorporating student growth as a significant factor.

(3) For the lowest performing 20% percent of remaining school districts having less than 500,000 inhabitants (with the measure of and school year or years used for school district performance to be determined by the State Superintendent of Education at a time determined by the State Superintendent), September 1, 2015.

(4) For all other school districts having less than 500,000 inhabitants, September 1, 2016.

Notwithstanding items (3) and (4) of this definition, a school district and the exclusive bargaining representative of its teachers may jointly agree in writing to an earlier implementation date, provided that such date must not be earlier than September 1, 2013. The written agreement of the district and the exclusive bargaining representative must be transmitted to the State Board of Education.

"Race to the Top Grant" means a grant made by the Secretary of the U.S. Department of Education for the program first funded pursuant to paragraph (2) of Section 14006(a) of the American Recovery and Reinvestment Act of 2009.

"School Improvement Grant" means a grant made by the Secretary of the U.S. Department of Education pursuant to Section 1003(g) of the Elementary and Secondary Education Act.

(Source: P.A. 96-861, eff. 1-15-10.)

(105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

Sec. 24A-5. Content of evaluation plans. This Section does not apply to teachers assigned to schools identified in an agreement entered into between the board of a school district operating under Article 34 of this Code and the exclusive representative of the district's teachers in accordance with Section 34-85c of this Code.

Each school district to which this Article applies shall establish a teacher evaluation plan which

ensures that each teacher in contractual continued service is evaluated at least once in the course of every 2 school years.

By no later than September 1, 2012, each school district shall establish a teacher evaluation plan that ensures that:

(1) each teacher not in contractual continued service is evaluated at least once every school year; and

(2) each teacher in contractual continued service is evaluated at least once in the course of every 2 school years. However, any teacher in contractual continued service whose performance is rated as either "needs improvement" or "unsatisfactory" must be evaluated at least once in the school year following the receipt of such rating.

Notwithstanding anything to the contrary in this Section or any other Section of the School Code, a principal shall not be prohibited from evaluating any teachers within a school during his or her first year as principal of such school.

The evaluation plan shall comply with the requirements of this Section and of any rules adopted by the State Board of Education pursuant to this Section.

The plan shall include a description of each teacher's duties and responsibilities and of the standards to which that teacher is expected to conform, and shall include at least the following components:

(a) personal observation of the teacher in the classroom by the evaluator, unless the teacher has no classroom duties.

(b) consideration of the teacher's attendance, planning, instructional methods, classroom management, where relevant, and competency in the subject matter taught.

(c) by no later than the applicable implementation date, consideration of student growth as a significant factor in the rating of the teacher's performance.

(d) prior to September 1, 2012, rating of the performance of teachers in contractual continued service as either:

(i) "excellent", "satisfactory" or "unsatisfactory"; or

(ii) "excellent", "proficient", "needs improvement" or "unsatisfactory".

(e) on and after September 1, 2012, rating of the performance of <u>all</u> teachers ~~in contractual continued service~~ as "excellent", "proficient", "needs improvement" or "unsatisfactory".

(f) specification as to the teacher's strengths and weaknesses, with supporting reasons for the comments made.

(g) inclusion of a copy of the evaluation in the teacher's personnel file and provision of a copy to the teacher.

(h) within 30 school days after the completion of an evaluation rating a teacher in contractual continued service as "needs improvement", development by the evaluator, in consultation with the teacher, and taking into account the teacher's on-going professional responsibilities including his or her regular teaching assignments, of a professional development plan directed to the areas that need improvement and any supports that the district will provide to address the areas identified as needing improvement.

(i) within 30 school days after completion of an evaluation rating a teacher in contractual continued service as "unsatisfactory", development and commencement by the district of a remediation plan designed to correct deficiencies cited, provided the deficiencies are deemed remediable. In all school districts the remediation plan for unsatisfactory, tenured teachers shall provide for 90 school days of remediation within the classroom, unless an applicable collective bargaining agreement provides for a shorter duration. In all school districts evaluations issued pursuant to this Section shall be issued within 10 days after the conclusion of the respective remediation plan. However, the school board or other governing authority of the district shall not lose jurisdiction to discharge a teacher in the event the evaluation is not issued within 10 days after the conclusion of the respective remediation plan.

(j) participation in the remediation plan by the teacher in contractual continued service rated "unsatisfactory", an evaluator and a consulting teacher selected by the evaluator of the teacher who was rated "unsatisfactory", which consulting teacher is an educational employee as defined in the Educational Labor Relations Act, has at least 5 years' teaching experience, and a reasonable familiarity with the assignment of the teacher being evaluated, and who received an "excellent" rating on his or her most recent evaluation. Where no teachers who meet these criteria are available within the district, the district shall request and the applicable regional office of education shall supply, to participate in the remediation process, an individual who meets these criteria.

In a district having a population of less than 500,000 with an exclusive bargaining

agent, the bargaining agent may, if it so chooses, supply a roster of qualified teachers from whom the consulting teacher is to be selected. That roster shall, however, contain the names of at least 5 teachers, each of whom meets the criteria for consulting teacher with regard to the teacher being evaluated, or the names of all teachers so qualified if that number is less than 5. In the event of a dispute as to qualification, the State Board shall determine qualification.

(k) a mid-point and final evaluation by an evaluator during and at the end of the remediation period, immediately following receipt of a remediation plan provided for under subsections (i) and (j) of this Section. Each evaluation shall assess the teacher's performance during the time period since the prior evaluation; provided that the last evaluation shall also include an overall evaluation of the teacher's performance during the remediation period. A written copy of the evaluations and ratings, in which any deficiencies in performance and recommendations for correction are identified, shall be provided to and discussed with the teacher within 10 school days after the date of the evaluation, unless an applicable collective bargaining agreement provides to the contrary. These subsequent evaluations shall be conducted by an evaluator. The consulting teacher shall provide advice to the teacher rated "unsatisfactory" on how to improve teaching skills and to successfully complete the remediation plan. The consulting teacher shall participate in developing the remediation plan, but the final decision as to the evaluation shall be done solely by the evaluator, unless an applicable collective bargaining agreement provides to the contrary. Evaluations at the conclusion of the remediation process shall be separate and distinct from the required annual evaluations of teachers and shall not be subject to the guidelines and procedures relating to those annual evaluations. The evaluator may but is not required to use the forms provided for the annual evaluation of teachers in the district's evaluation plan.

(l) reinstatement to the evaluation schedule set forth in the district's evaluation plan for any teacher in contractual continued service who achieves a rating equal to or better than "satisfactory" or "proficient" in the school year following a rating of "needs improvement" or "unsatisfactory".

(m) dismissal in accordance with subsection (d) of Section 24-12 or Section 24-16.5 or 34-85 of this ~~the School~~ Code of any teacher who fails to complete any applicable remediation plan with a rating equal to or better than a "satisfactory" or "proficient" rating. Districts and teachers subject to dismissal hearings are precluded from compelling the testimony of consulting teachers at such hearings under subsection (d) of Section 24-12 or Section 24-16.5 or 34-85 of this Code, either as to the rating process or for opinions of performances by teachers under remediation.

(n) After the implementation date of an evaluation system for teachers in a district as specified in Section 24A-2.5 of this Code, if a teacher in contractual continued service successfully completes a remediation plan following a rating of "unsatisfactory" and receives a subsequent rating of "unsatisfactory" in any of the teacher's annual or biannual overall performance evaluation ratings received during the 36-month period following the teacher's completion of the remediation plan, then the school district may forego remediation and seek dismissal in accordance with subsection (d) of Section 24-12 or Section 34-85 of this Code.

Nothing in this Section or Section 24A-4 shall be construed as preventing immediate dismissal of a teacher for deficiencies which are deemed irremediable or for actions which are injurious to or endanger the health or person of students in the classroom or school, or preventing the dismissal or non-renewal of teachers not in contractual continued service for any reason not prohibited by applicable employment, labor, and civil rights laws. Failure to strictly comply with the time requirements contained in Section 24A-5 shall not invalidate the results of the remediation plan.

(Source: P.A. 95-510, eff. 8-28-07; 96-861, eff. 1-15-10; 96-1423, eff. 8-3-10.)

(105 ILCS 5/34-84) (from Ch. 122, par. 34-84)

Sec. 34-84. Appointments and promotions of teachers. Appointments and promotions of teachers shall be made for merit only, and after satisfactory service for a probationary period of 3 years with respect to probationary employees employed as full-time teachers in the public school system of the district before January 1, 1998 and 4 years with respect to probationary employees who are first employed as full-time teachers in the public school system of the district on or after January 1, 1998, ~~(~~during which period the board may dismiss or discharge any such probationary employee upon the recommendation, accompanied by the written reasons therefor, of the general superintendent of schools and after which period ~~)~~ appointments of teachers shall become permanent, subject to removal for cause in the manner provided by Section 34-85.

For a probationary-appointed teacher in full-time service who is appointed on or after July 1, 2013 and who receives ratings of "excellent" during his or her first 3 school terms of full-time service, the

probationary period shall be 3 school terms of full-time service. For a probationary-appointed teacher in full-time service who is appointed on or after July 1, 2013 and who had previously entered into contractual continued service in another school district in this State or a program of a special education joint agreement in this State, as defined in Section 24-11 of this Code, the probationary period shall be 2 school terms of full-time service, provided that (i) the teacher voluntarily resigned or was honorably dismissed from the prior district or program within the 3-month period preceding his or her appointment date, (ii) the teacher's last 2 ratings in the prior district or program were at least "proficient" and were issued after the prior district's or program's PERA implementation date, as defined in Section 24-11 of this Code, and (iii) the teacher receives ratings of "excellent" during his or her first 2 school terms of full-time service.

For a probationary-appointed teacher in full-time service who is appointed on or after July 1, 2013 and who has not entered into contractual continued service after 2 or 3 school terms of full-time service as provided in this Section, the probationary period shall be 4 school terms of full-time service, provided that the teacher receives a rating of at least "proficient" in the last school term and a rating of at least "proficient" in either the second or third school term.

As used in this Section, "school term" means the school term established by the board pursuant to Section 10-19 of this Code, and "full-time service" means the teacher has actually worked at least 150 days during the school term. As used in this Article, "teachers" means and includes all members of the teaching force excluding the general superintendent and principals.

There shall be no reduction in teachers because of a decrease in student membership or a change in subject requirements within the attendance center organization after the 20th day following the first day of the school year, except that: (1) this provision shall not apply to desegregation positions, special education positions, or any other positions funded by State or federal categorical funds, and (2) at attendance centers maintaining any of grades 9 through 12, there may be a second reduction in teachers on the first day of the second semester of the regular school term because of a decrease in student membership or a change in subject requirements within the attendance center organization.

The school principal shall make the decision in selecting teachers to fill new and vacant positions consistent with Section 34-8.1.

(Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 1-1-98.)

(105 ILCS 5/34-85) (from Ch. 122, par. 34-85)

Sec. 34-85. Removal for cause; Notice and hearing; Suspension.

(a) No teacher employed by the board of education shall (after serving the probationary period specified in Section 34-84) be removed except for cause. Teachers (who have completed the probationary period specified in Section 34-84 of this Code) shall be removed for cause in accordance with the procedures set forth in this Section or, at the board's option, the procedures set forth in Section 24-16.5 of this Code or such other procedures established in an agreement entered into between the board and the exclusive representative of the district's teachers under Section 34-85c of this Code for teachers (who have completed the probationary period specified in Section 34-84 of this Code) assigned to schools identified in that agreement. No principal employed by the board of education shall be removed during the term of his or her performance contract except for cause, which may include but is not limited to the principal's repeated failure to implement the school improvement plan or to comply with the provisions of the Uniform Performance Contract, including additional criteria established by the Council for inclusion in the performance contract pursuant to Section 34-2.3.

Before service of notice of charges on account of causes that may be deemed to be remediable, the teacher or principal must be given reasonable warning in writing, stating specifically the causes that, if not removed, may result in charges; however, no such written warning is required if the causes have been the subject of a remediation plan pursuant to Article 24A of this Code or if the board and the exclusive representative of the district's teachers have entered into an agreement pursuant to Section 34-85c of this Code, pursuant to an alternative system of remediation. No written warning shall be required for conduct on the part of a teacher or principal that is cruel, immoral, negligent, or criminal or that in any way causes psychological or physical harm or injury to a student, as that conduct is deemed to be irremediable. No written warning shall be required for a material breach of the uniform principal performance contract, as that conduct is deemed to be irremediable; provided that not less than 30 days before the vote of the local school council to seek the dismissal of a principal for a material breach of a uniform principal performance contract, the local school council shall specify the nature of the alleged breach in writing and provide a copy of it to the principal.

(1) To initiate dismissal proceedings against a teacher or principal, the ~~The~~ general superintendent must first approve written charges and specifications against

the teacher or principal. A local school council may direct the general superintendent to approve

written charges against its principal on behalf of the Council upon the vote of 7 members of the Council. The general superintendent must approve those charges within 45 calendar days or provide a written reason for not approving those charges. A written notice of those charges, including specifications, shall be served upon the teacher or principal within 10 business days of the approval of the charges. Any written notice sent on or after July 1, 2012 shall also inform the teacher or principal of the right to request a hearing before a mutually selected hearing officer, with the cost of the hearing officer split equally between the teacher or principal and the board, or a hearing before a qualified hearing officer chosen by the general superintendent, with the cost of the hearing officer paid by the board. If the teacher or principal cannot be found upon diligent inquiry, such charges may be served upon him by mailing a copy thereof in a sealed envelope by prepaid certified mail, return receipt requested, to the teacher's or principal's last known address. A return receipt showing delivery to such address within 20 calendar days after the date of the approval of the charges shall constitute proof of service.

(2) No hearing upon the charges is required unless the teacher or principal within 17 calendar ~~10~~ days after receiving notice requests in writing of the general superintendent that a hearing be scheduled~~, in which case the general superintendent shall schedule a hearing on those charges before a disinterested hearing officer on a date no less than 15 nor more than 30 days after the approval of the charges~~. Pending the hearing of the charges, the general superintendent or his or her designee may suspend the teacher or principal charged without pay in accordance with rules prescribed by the board, provided that if the teacher or principal charged is not dismissed based on the charges, he or must be made whole for lost earnings, less setoffs for mitigation.

(3) The board shall maintain a list of at least 9 qualified hearing officers who will conduct hearings on charges and specifications. The list must be developed in good faith consultation with the exclusive representative of the board's teachers and professional associations that represent the board's principals. The list may be revised on July 1st of each year or earlier as needed. To be a qualified hearing officer, the person must (i) ~~The general superintendent shall forward a copy of the notice to the State Board of Education within 5 days from the date of the approval of the charges. Within 10 days after receiving the notice of hearing, the State Board of Education shall provide the teacher or principal and the general superintendent with a list of 5 prospective, impartial hearing officers. Each person on the list must~~ be accredited by a national arbitration organization and have had a minimum of 5 years of experience as an arbitrator in cases involving labor and employment relations matters between ~~educational~~ employers and ~~educational~~ employees or their exclusive bargaining representatives and (ii) beginning September 1, 2012, have participated in training provided or approved by the State Board of Education for teacher dismissal hearing officers so that he or she is familiar with issues generally involved in evaluative and non-evaluative dismissals.

(3) Within 5 business days after receiving the notice of request for a hearing, the ~~The~~ general superintendent and the teacher or principal or their legal representatives ~~within 3 days from receipt of the list~~ shall alternately strike one name from the list until only one name remains. Unless waived by the teacher, the teacher or principal shall have the right to proceed first with the striking. If the teacher or principal fails to participate in the striking process, the general superintendent shall either select the hearing officer from the list developed pursuant to this paragraph (3) or select another qualified hearing officer from the master list maintained by the State Board of Education pursuant to subsection (c) of Section 24-12 of this Code. ~~Within 3 days of receipt of the first list provided by the State Board of Education, the general superintendent and the teacher or principal or their legal representatives shall each have the right to reject all prospective hearing officers named on the first list and to require the State Board of Education to provide a second list of 5 prospective, impartial hearing officers, none of whom were named on the first list. Within 5 days after receiving this request for a second list, the State Board of Education shall provide the second list of 5 prospective, impartial hearing officers. The procedure for selecting a hearing officer from the second list shall be the same as the procedure for the first list. Each party shall promptly serve written notice on the other of any name stricken from the list. If the teacher or principal fails to do so, the general superintendent may select the hearing officer from any name remaining on the list. The teacher or principal may waive the hearing at any time prior to the appointment of the hearing officer. Notice of the selection of the hearing officer shall be given to the State Board of Education. The hearing officer shall be notified of his selection by the State Board of Education. A signed acceptance shall be filed with the State Board of Education within 5 days of receipt of notice of the selection. The State Board of Education shall notify the teacher or principal and the board of its appointment of the hearing officer. In the alternative to selecting a hearing officer~~

~~from the first or second list received from the State Board of Education, the general superintendent and the teacher or principal or their legal representatives may mutually agree to select an impartial hearing officer who is not on a list received from the State Board of Education, either by direct appointment by the parties or by using procedures for the appointment of an arbitrator established by the Federal Mediation and Conciliation Service or the American Arbitration Association. The parties shall notify the State Board of Education of their intent to select a hearing officer using an alternative procedure within 3 days of receipt of a list of prospective hearing officers provided by the State Board of Education. Any person selected by the parties under this alternative procedure for the selection of a hearing officer shall have the same qualifications and authority as a hearing officer selected from a list provided by the State Board of Education. The teacher or principal may waive the hearing at any time prior to the appointment of the hearing officer. The State Board of Education shall promulgate uniform standards and rules of procedure for such hearings, including reasonable rules of discovery.~~

(4) If the notice of dismissal was sent to the teacher or principal before July 1, 2012, the fees and costs ~~The per diem allowance~~ for the hearing officer shall be paid by the State Board of Education. If the notice of dismissal was sent to the teacher or principal on or after July 1, 2012, the hearing officer's fees and costs must be paid as follows in this paragraph (4). The fees and permissible costs for the hearing officer shall be determined by the State Board of Education. If the hearing officer is mutually selected by the parties through alternate striking in accordance with paragraph (3) of this subsection (a), then the board and the teacher or their legal representative shall each pay 50% of the fees and costs and any supplemental allowance to which they agree. If the hearing officer is selected by ~~The hearing officer shall hold a hearing and render findings of fact and a recommendation to~~ the general superintendent without the participation of the teacher or principal, then the board shall pay 100% of the hearing officer fees and costs. The hearing officer shall submit for payment a billing statement to the parties that itemizes the charges and expenses and divides them in accordance with this Section.

(5) The teacher or the principal charged is required to answer the charges and specifications and aver affirmative matters in his or her defense, and the time for doing so must be set by the hearing officer. The State Board of Education shall adopt rules so that each party has a fair opportunity to present its case and to ensure that the dismissal proceeding is concluded in an expeditious manner. The rules shall address, without limitation, the teacher or principal's answer and affirmative defenses to the charges and specifications; a requirement that each party make mandatory disclosures without request to the other party and then update the disclosure no later than 10 calendar days prior to the commencement of the hearing, including a list of the names and addresses of persons who may be called as witnesses at the hearing, a summary of the facts or opinions each witness will testify to, and all other documents and materials, including information maintained electronically, relevant to its own as well as the other party's case (the hearing officer may exclude witnesses and exhibits not identified and shared, except those offered in rebuttal for which the party could not reasonably have anticipated prior to the hearing); pre-hearing discovery and preparation, including provision for written interrogatories and requests for production of documents, provided that discovery depositions are prohibited; the conduct of the hearing; the right of each party to be represented by counsel, the offer of evidence and witnesses and the cross-examination of witnesses; the authority of the hearing officer to issue subpoenas and subpoenas duces tecum, provided that the hearing officer may limit the number of witnesses to be subpoenaed in behalf of each party to no more than 7; the length of post-hearing briefs; and the form, length, and content of hearing officers' reports and recommendations to the general superintendent.

The hearing officer shall commence the hearing within 75 calendar days and conclude the hearing within 120 calendar days after being selected by the parties as the hearing officer, provided that these timelines may be modified upon the showing of good cause or mutual agreement of the parties. Good cause for the purposes of this paragraph (5) shall mean the illness or otherwise unavoidable emergency of the teacher, district representative, their legal representatives, the hearing officer, or an essential witness as indicated in each party's pre-hearing submission. In a dismissal hearing, the hearing officer shall consider and give weight to all of the teacher's evaluations written pursuant to Article 24A that are relevant to the issues in the hearing. The teacher or principal has the privilege of being present at the hearing with counsel and of cross-examining witnesses and may offer evidence and witnesses and present defenses to the charges. Each party shall have no more than 3 days to present its case, unless extended by the hearing officer to enable a party to present adequate evidence and testimony, including due to the other party's cross-examination of the party's witnesses, for good cause or by mutual agreement of the parties. The State Board of Education shall define in rules the meaning of "day" for such purposes. ~~The hearing officer may issue subpoenas requiring the attendance of witnesses and, at the request of the teacher or principal against whom a charge is made or the general superintendent, shall issue such subpoenas,~~

~~but the hearing officer may limit the number of witnesses to be subpoenaed in behalf of the teacher or principal or the general superintendent to not more than 10 each.~~ All testimony at the hearing shall be taken under oath administered by the hearing officer. The hearing officer shall cause a record of the proceedings to be kept and shall employ a competent reporter to take stenographic or stenotype notes of all the testimony. The costs of the reporter's attendance and services at the hearing shall be paid by the party or parties who are paying the fees and costs of the hearing officer ~~State Board of Education~~. Either party desiring a transcript of the hearing shall pay for the cost thereof. At the close of the hearing, the hearing officer shall direct the parties to submit post-hearing briefs no later than 21 calendar days after receipt of the transcript. Either or both parties may waive submission of briefs.

~~Pending the hearing of the charges, the person charged may be suspended in accordance with rules prescribed by the board but such person, if acquitted, shall not suffer any loss of salary by reason of the suspension.~~

~~Before service of notice of charges on account of causes that may be deemed to be remediable, the teacher or principal shall be given reasonable warning in writing, stating specifically the causes which, if not removed, may result in charges; however, no such written warning shall be required if the causes have been the subject of a remediation plan pursuant to Article 24A or where the board of education and the exclusive representative of the district's teachers have entered into an agreement pursuant to Section 34-85c of this Code, pursuant to an alternative system of remediation. No written warning shall be required for conduct on the part of a teacher or principal which is cruel, immoral, negligent, or criminal or which in any way causes psychological or physical harm or injury to a student as that conduct is deemed to be irremediable. No written warning shall be required for a material breach of the uniform principal performance contract as that conduct is deemed to be irremediable; provided however, that not less than 30 days before the vote of the local school council to seek the dismissal of a principal for a material breach of a uniform principal performance contract, the local school council shall specify the nature of the alleged breach in writing and provide a copy of it to the principal.~~

~~The hearing officer shall consider and give weight to all of the teacher's evaluations written pursuant to Article 24A.~~

(6) The hearing officer shall within 30 calendar ~~45~~ days from the conclusion of the hearing report to the general superintendent findings of fact and a recommendation as to whether or not the teacher or principal shall be dismissed and shall give a copy of the report to both the teacher or principal and the general superintendent. The State Board of Education shall provide by rule the form of the hearing officer's report and recommendation.

(7) The board, within 45 days of receipt of the hearing officer's findings of fact and recommendation, shall make a decision as to whether the teacher or principal shall be dismissed from its employ. The failure of the board to strictly adhere to the timeliness contained herein shall not render it without jurisdiction to dismiss the teacher or principal. In the event that the board declines to dismiss the teacher or principal after review of a hearing officer's recommendation, the board shall set the amount of back pay and benefits to award the teacher or principal, which shall include offsets for interim earnings and failure to mitigate losses. The board shall establish procedures for the teacher's or principal's submission of evidence to it regarding lost earnings, lost benefits, mitigation, and offsets. ~~If the hearing officer fails to render a decision within 45 days, the State Board of Education shall communicate with the hearing officer to determine the date that the parties can reasonably expect to receive the decision. The State Board of Education shall provide copies of all such communications to the parties. In the event the hearing officer fails without good cause to make a decision within the 45 day period, the name of such hearing officer shall be struck for a period not less than 24 months from the master list of hearing officers maintained by the State Board of Education. The board shall not lose jurisdiction to discharge the teacher or principal if the hearing officer fails to render a decision within the time specified in this Section. If a hearing officer fails to render a decision within 3 months after the hearing is declared closed, the State Board of Education shall provide the parties with a new list of prospective, impartial hearing officers, with the same qualifications provided herein, one of whom shall be selected, as provided in this Section, to rehear the charges heard by the hearing officer who failed to render a decision. The parties may also select a hearing officer pursuant to the alternative procedure, as provided in this Section, to rehear the charges heard by the hearing officer who failed to render a decision. A violation of the professional standards set forth in "The Code of Professional Responsibility for Arbitrators of Labor-Management Disputes", of the National Academy of Arbitrators, the American Arbitration Association, and the Federal Mediation and Conciliation Service, or the failure of a hearing officer to render a decision within 3 months after the hearing is declared closed shall be grounds for removal of the hearing officer from the master list of hearing~~

~~officers maintained by the State Board of Education.~~ The decision of the board is final unless reviewed in accordance with paragraph (8) of this subsection (a) ~~as provided in Section 34-85b of this Act~~.

(8) The teacher may seek judicial review of the board's decision in accordance with the Administrative Review Law, which is specifically incorporated in this Section, except that the review must be initiated in the Illinois Appellate Court for the First District. In the event judicial review is instituted, any costs of preparing and filing the record of proceedings shall be paid by the party instituting the review. In the event the appellate court reverses a board decision to dismiss a teacher or principal and directs the board to pay the teacher or the principal back pay and benefits, the appellate court shall remand the matter to the board to issue an administrative decision as to the amount of back pay and benefits, which shall include a calculation of the lost earnings, lost benefits, mitigation, and offsets based on evidence submitted to the board in accordance with procedures established by the board. ~~If a decision of the board is adjudicated upon review or appeal in favor of the teacher or principal, then the trial court shall order reinstatement and shall determine the amount for which the board is liable including but not limited to loss of income and costs incurred therein.~~

(b) Nothing in this Section affects the validity of removal for cause hearings commenced prior to the effective date of this amendatory Act of the 97th General Assembly ~~1978~~.

The changes made by this amendatory Act of the 97th General Assembly shall apply to dismissals instituted on or after September 1, 2011 or the effective date of this amendatory Act of the 97th General Assembly, whichever is later. Any dismissal instituted prior to the effective date of these changes must be carried out in accordance with the requirements of this Section prior to amendment by this amendatory Act of 97th General Assembly.

(Source: P.A. 95-510, eff. 8-28-07.)

(105 ILCS 5/34-85c)

Sec. 34-85c. Alternative procedures for teacher evaluation, remediation, and removal for cause after remediation.

(a) Notwithstanding any law to the contrary, the board and the exclusive representative of the district's teachers are hereby authorized to enter into an agreement to establish alternative procedures for teacher evaluation, remediation, and removal for cause after remediation, including an alternative system for peer evaluation and recommendations; provided, however, that no later than September 1, 2012: (i) any alternative procedures must include provisions whereby student performance data is a significant factor in teacher evaluation and (ii) teachers are rated as "excellent", "proficient", "needs improvement" or "unsatisfactory". Pursuant exclusively to that agreement, teachers assigned to schools identified in that agreement shall be subject to an alternative performance evaluation plan and remediation procedures in lieu of the plan and procedures set forth in Article 24A of this Code and alternative removal for cause standards and procedures in lieu of the removal standards and procedures set forth in Section ~~Sections~~ 34-85 ~~and 34-85b~~ of this Code. To the extent that the agreement provides a teacher with an opportunity for a hearing on removal for cause before an independent hearing officer in accordance with Section ~~Sections~~ 34-85 ~~and 34-85b~~ or otherwise, the hearing officer shall be governed by the alternative performance evaluation plan, remediation procedures, and removal standards and procedures set forth in the agreement in making findings of fact and a recommendation.

(b) The board and the exclusive representative of the district's teachers shall submit a certified copy of an agreement as provided under subsection (a) of this Section to the State Board of Education.

(Source: P.A. 95-510, eff. 8-28-07; 96-861, eff. 1-15-10.)

Section 10. The Illinois Educational Labor Relations Act is amended by changing Sections 4.5, 12, and 13 as follows:

(115 ILCS 5/4.5)

Sec. 4.5. Subjects of collective bargaining.

(a) Notwithstanding the existence of any other provision in this Act or other law, collective bargaining between an educational employer whose territorial boundaries are coterminous with those of a city having a population in excess of 500,000 and an exclusive representative of its employees may include any of the following subjects:

(1) (Blank).

(2) Decisions to contract with a third party for one or more services otherwise performed by employees in a bargaining unit and the procedures for obtaining such contract or the identity of the third party.

(3) Decisions to layoff or reduce in force employees.

(4) Decisions to determine class size, class staffing and assignment, class schedules, academic calendar, length of the work and school day, length of the work and school year, hours and places of instruction, or pupil assessment policies.

(5) Decisions concerning use and staffing of experimental or pilot programs and decisions concerning use of technology to deliver educational programs and services and staffing to provide the technology.

(b) The subject or matters described in subsection (a) are permissive subjects of bargaining between an educational employer and an exclusive representative of its employees and, for the purpose of this Act, are within the sole discretion of the educational employer to decide to bargain, provided that the educational employer is required to bargain over the impact of a decision concerning such subject or matter on the bargaining unit upon request by the exclusive representative. During this bargaining, the educational employer shall not be precluded from implementing its decision. If, after a reasonable period of bargaining, a dispute or impasse exists between the educational employer and the exclusive representative, the dispute or impasse shall be resolved exclusively as set forth in subsection (b) of Section 12 of this Act in lieu of a strike under Section 13 of this Act.

(c) A provision in a collective bargaining agreement that was rendered null and void because it involved a prohibited subject of collective bargaining under this subsection (c) as this subsection (c) existed before the effective date of this amendatory Act of the 93rd General Assembly remains null and void and shall not otherwise be reinstated in any successor agreement unless the educational employer and exclusive representative otherwise agree to include an agreement reached on a subject or matter described in subsection (a) of this Section as subsection (a) existed before this amendatory Act of the 93rd General Assembly.

(Source: P.A. 93-3, eff. 4-16-03.)

(115 ILCS 5/12) (from Ch. 48, par. 1712)

Sec. 12. Impasse procedures.

(a) This subsection (a) applies only to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code and an exclusive representative of its employees.

If the parties engaged in collective bargaining have not reached an agreement by 90 days before the scheduled start of the forthcoming school year, the parties shall notify the Illinois Educational Labor Relations Board concerning the status of negotiations. This notice shall include a statement on whether mediation has been used.

Upon demand of either party, collective bargaining between the employer and an exclusive bargaining representative must begin within 60 days of the date of certification of the representative by the Board, or in the case of an existing exclusive bargaining representative, within 60 days of the receipt by a party of a demand to bargain issued by the other party. Once commenced, collective bargaining must continue for at least a 60 day period, unless a contract is entered into.

Except as otherwise provided in subsection (b) of this Section, if after a reasonable period of negotiation and within 90 ~~45~~ days of the scheduled start of the forth-coming school year, the parties engaged in collective bargaining have reached an impasse, either party may petition the Board to initiate mediation. Alternatively, the Board on its own motion may initiate mediation during this period. However, mediation shall be initiated by the Board at any time when jointly requested by the parties and the services of the mediators shall continuously be made available to the employer and to the exclusive bargaining representative for purposes of arbitration of grievances and mediation or arbitration of contract disputes. If requested by the parties, the mediator may perform fact-finding and in so doing conduct hearings and make written findings and recommendations for resolution of the dispute. Such mediation shall be provided by the Board and shall be held before qualified impartial individuals. Nothing prohibits the use of other individuals or organizations such as the Federal Mediation and Conciliation Service or the American Arbitration Association selected by both the exclusive bargaining representative and the employer.

If the parties engaged in collective bargaining fail to reach an agreement within 45 ~~15~~ days of the scheduled start of the forthcoming school year and have not requested mediation, the Illinois Educational Labor Relations Board shall invoke mediation.

Whenever mediation is initiated or invoked under this subsection (a), the parties may stipulate to defer selection of a mediator in accordance with rules adopted by the Board.

(a-5) This subsection (a-5) applies only to collective bargaining between a public school district or a combination of public school districts, including, but not limited to, joint cooperatives, that is not organized under Article 34 of the School Code and an exclusive representative of its employees.

(1) Any time after 15 days of mediation, either party may declare an impasse. The mediator may

declare an impasse at any time during the mediation process. Notification of an impasse must be filed in writing with the Board, and copies of the notification must be submitted to the parties on the same day the notification is filed with the Board.

(2) Within 7 days after the declaration of impasse, each party shall submit to the mediator and the other party in writing the final offer of the party, including a cost summary of the offer. Seven days after receipt of the parties' final offers, the mediator shall make public the final offers and each party's cost summary dealing with those issues on which the parties have failed to reach agreement. The mediator shall make the final offers public by filing them with the Board, which shall immediately post the offers on its Internet website. On the same day of publication by the mediator, at a minimum, the school district shall distribute notice of the availability of the offers on the Board's Internet website to all news media that have filed an annual request for notices from the school district pursuant to Section 2.02 of the Open Meetings Act.

(a-10) This subsection (a-10) applies only to collective bargaining between a public school district organized under Article 34 of the School Code and an exclusive representative of its employees.

(1) For collective bargaining agreements between an educational employer whose territorial boundaries are coterminous with those of a city having a population in excess of 500,000 and an exclusive representative of its employees, if the parties fail to reach an agreement after a reasonable period of mediation, the dispute shall be submitted to fact-finding in accordance with this subsection (a-10). Either the educational employer or the exclusive representative may initiate fact-finding by submitting a written demand to the other party with a copy of the demand submitted simultaneously to the Board.

(2) Within 3 days following a party's demand for fact-finding, each party shall appoint one member of the fact-finding panel, unless the parties agree to proceed without a tri-partite panel. Following these appointments, if any, the parties shall select a qualified impartial individual to serve as the fact-finder and chairperson of the fact-finding panel, if applicable. An individual shall be considered qualified to serve as the fact-finder and chairperson of the fact-finding panel, if applicable, if he or she was not the same individual who was appointed as the mediator and if he or she satisfies the following requirements: membership in good standing with the National Academy of Arbitrators, Federal Mediation and Conciliation Service, or American Arbitration Association for a minimum of 10 years; membership on the mediation roster for the Illinois Labor Relations Board or Illinois Educational Labor Relations Board; issuance of at least 5 interest arbitration awards arising under the Illinois Public Labor Relations Act; and participation in impasse resolution processes arising under private or public sector collective bargaining statutes in other states. If the parties are unable to agree on an fact-finder, the parties shall request a panel of fact-finders who satisfy the requirements set forth in this paragraph (2) from either the Federal Mediation and Conciliation Service or the American Arbitration Association and shall select a fact-finder from such panel in accordance with the procedures established by the organization providing the panel.

(3) The fact-finder shall have the following duties and powers:

(A) to require the parties to submit a statement of disputed issues and their positions regarding each issue either jointly or separately;

(B) to identify disputed issues that are economic in nature;

(C) to meet with the parties either separately or in executive sessions;

(D) to conduct hearings and regulate the time, place, course, and manner of the hearings;

(E) to request the Board to issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence;

(F) to administer oaths and affirmations;

(G) to examine witnesses and documents;

(H) to create a full and complete written record of the hearings;

(I) to attempt mediation or remand a disputed issue to the parties for further collective bargaining;

(J) to require the parties to submit final offers for each disputed issue either individually or as a package or as a combination of both; and

(K) to employ any other measures deemed appropriate to resolve the impasse.

(4) If the dispute is not settled within 75 days after the appointment of the fact-finding panel, the fact-finding panel shall issue a private report to the parties that contains advisory findings of fact and recommended terms of settlement for all disputed issues and that sets forth a rationale for each recommendation. The fact-finding panel, acting by a majority of its members, shall base its findings and recommendations upon the following criteria as applicable:

(A) the lawful authority of the employer;

(B) the federal and State statutes or local ordinances and resolutions applicable to the employer;

(C) prior collective bargaining agreements and the bargaining history between the parties;

(D) stipulations of the parties;

(E) the interests and welfare of the public and the students and families served by the employer;

(F) the employer's financial ability to fund the proposals based on existing available resources, provided that such ability is not predicated on an assumption that lines of credit or reserve funds are available or that the employer may or will receive or develop new sources of revenue or increase existing sources of revenue;

(G) the impact of any economic adjustments on the employer's ability to pursue its educational mission;

(H) the present and future general economic conditions in the locality and State;

(I) a comparison of the wages, hours, and conditions of employment of the employees involved in the dispute with the wages, hours, and conditions of employment of employees performing similar services in public education in the 10 largest U.S. cities;

(J) the average consumer prices in urban areas for goods and services, which is commonly known as the cost of living;

(K) the overall compensation presently received by the employees involved in the dispute, including direct wage compensation; vacations, holidays, and other excused time; insurance and pensions; medical and hospitalization benefits; the continuity and stability of employment and all other benefits received; and how each party's proposed compensation structure supports the educational goals of the district;

(L) changes in any of the circumstances listed in items (A) through (K) of this paragraph (4) during the fact-finding proceedings;

(M) the effect that any term the parties are at impasse on has or may have on the overall educational environment, learning conditions, and working conditions with the school district; and

(N) the effect that any term the parties are at impasse on has or may have in promoting the public policy of this State.

(5) The fact-finding panel's recommended terms of settlement shall be deemed agreed upon by the parties as the final resolution of the disputed issues and incorporated into the collective bargaining agreement executed by the parties, unless either party tenders to the other party and the chairperson of the fact-finding panel a notice of rejection of the recommended terms of settlement with a rationale for the rejection, within 15 days after the date of issuance of the fact-finding panel's report. If either party submits a notice of rejection, the chairperson of the fact-finding panel shall publish the fact-finding panel's report and the notice of rejection for public information by delivering a copy to all newspapers of general circulation in the community with simultaneous written notice to the parties.

(b) If, after a period of bargaining of at least 60 days, a dispute or impasse exists between an educational employer whose territorial boundaries are coterminous with those of a city having a population in excess of 500,000 and the exclusive bargaining representative over a subject or matter set forth in Section 4.5 of this Act, the parties shall submit the dispute or impasse to the dispute resolution procedure agreed to between the parties. The procedure shall provide for mediation of disputes by a rotating mediation panel and may, at the request of either party, include the issuance of advisory findings of fact and recommendations. A dispute or impasse over any Section 4.5 subject shall not be resolved through the procedures set forth in this Act, and the Board, mediator, or fact-finder has no jurisdiction over any Section 4.5 subject. The changes made to this subsection (b) by this amendatory Act of the 97th General Assembly are declarative of existing law.

(c) The costs of fact finding and mediation shall be shared equally between the employer and the exclusive bargaining agent, provided that, for purposes of mediation under this Act, if either party requests the use of mediation services from the Federal Mediation and Conciliation Service, the other party shall either join in such request or bear the additional cost of mediation services from another source. All other costs and expenses of complying with this Section must be borne by the party incurring them.

(c-5) If an educational employer or exclusive bargaining representative refuses to participate in mediation or fact finding when required by this Section, the refusal shall be deemed a refusal to bargain in good faith.

(d) Nothing in this Act prevents an employer and an exclusive bargaining representative from mutually submitting to final and binding impartial arbitration unresolved issues concerning the terms of a new collective bargaining agreement.

(Source: P.A. 93-3, eff. 4-16-03.)

(115 ILCS 5/13) (from Ch. 48, par. 1713)

Sec. 13. Strikes.

(a) Notwithstanding the existence of any other provision in this Act or other law, educational employees employed in school districts organized under Article 34 of the School Code shall not engage in a strike at any time during the 18 month period that commences on the effective date of this amendatory Act of 1995. An educational employee employed in a school district organized under Article 34 of the School Code who participates in a strike in violation of this Section is subject to discipline by the employer. In addition, no educational employer organized under Article 34 of the School Code may pay or cause to be paid to an educational employee who participates in a strike in violation of this subsection any wages or other compensation for any period during which an educational employee participates in the strike, except for wages or compensation earned before participation in the strike. Notwithstanding the existence of any other provision in this Act or other law, during the 18-month period that strikes are prohibited under this subsection nothing in this subsection shall be construed to require an educational employer to submit to a binding dispute resolution process.

(b) Notwithstanding the existence of any other provision in this Act or any other law, educational employees other than those employed in a school district organized under Article 34 of the School Code and, after the expiration of the 18 month period that commences on the effective date of this amendatory Act of 1995, educational employees in a school district organized under Article 34 of the School Code shall not engage in a strike except under the following conditions:

(1) they are represented by an exclusive bargaining representative;

(2) mediation has been used without success and, if an impasse has been declared under subsection (a-5) of Section 12 of this Act, at least 14 days have elapsed after the mediator has made public the final offers;

(2.5) if fact-finding was invoked pursuant to subsection (a-10) of Section 12 of this Act, at least 30 days have elapsed after a fact-finding report has been released for public information;

(2.10) for educational employees employed in a school district organized under Article 34 of the School Code, at least three-fourths of all bargaining unit members of the exclusive bargaining representative have affirmatively voted to authorize the strike;

(3) at least 10 days have elapsed after a notice of intent to strike has been given by the exclusive bargaining representative to the educational employer, the regional superintendent and the Illinois Educational Labor Relations Board;

(4) the collective bargaining agreement between the educational employer and educational employees, if any, has expired or been terminated; and

(5) the employer and the exclusive bargaining representative have not mutually submitted the unresolved issues to arbitration.

If, however, in the opinion of an employer the strike is or has become a clear and present danger to the health or safety of the public, the employer may initiate in the circuit court of the county in which such danger exists an action for relief which may include, but is not limited to, injunction. The court may grant appropriate relief upon the finding that such clear and present danger exists. An unfair practice or other evidence of lack of clean hands by the educational employer is a defense to such action. Except as provided for in this paragraph, the jurisdiction of the court under this Section is limited by the Labor Dispute Act.

(Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 1-1-98.)

(105 ILCS 5/34-85b rep.)

Section 15. The School Code is amended by repealing Section 34-85b.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 7

AMENDMENT NO. 2. Amend Senate Bill 7 as follows:

on page 4, line 23, before "term", by inserting "first"; and

on page 5, line 9, by replacing "conjunction" with "consultation".

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 Lightford, **Senate Bill No. 7**, 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:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Luechtefeld	Righter
Bomke	Holmes	Maloney	Sandack
Brady	Hunter	Martinez	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Trotter
Duffy	Kotowski	Noland	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	

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 2:13 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 2:21 o'clock p.m. the Senate resumed consideration of business.

Senator Harmon, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 15, 2011 meeting, reported that **Senate Bills numbered 2404, 2406, 2416, 2423, 2425, 2427, 2428, 2429, 2432, 2433, 2436, 2438, 2439, 2440, 2449, 2451, 2455, 2456, 2464, 2465, 2466, 2467, 2469, 2470, 2471, 2472, 2477 and 2480** have been re-referred from the Committee on Appropriations I to the Committee on Assignments and have been approved for consideration by the Committee on Assignments.

Under the rules, the bills were ordered to a second reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 15, 2011 meeting, reported that **Senate Bills numbered 2409, 2410, 2417, 2418, 2419, 2421, 2422, 2424, 2426, 2441, 2442, 2443, 2448, 2452, 2459, 2460, 2461, 2463, 2473, 2474, 2476 and 2479** have been re-

referred from the Committee on Appropriations II to the Committee on Assignments and have been approved for consideration by the Committee on Assignments.

Under the rules, the bills were ordered to a second reading.

INQUIRY OF THE CHAIR

Senator Righter had an inquiry of the Chair regarding the third reading deadline for Senate bills and whether it is necessary to request an extension or whether that will be done automatically.

The Chair stated that the deadline for bills remaining on the calendar on the order of third reading would be automatically extended until Wednesday, May 4, 2011.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 172

Offered by Senator Harmon and all Senators:
Mourns the death of Pearl Malk of Oak Park.

SENATE RESOLUTION NO. 173

Offered by Senator Brady and all Senators:
Mourns the death of Christopher "C.J." Stolfa of Normal.

SENATE RESOLUTION NO. 174

Offered by Senator Koehler and all Senators:
Mourns the death of Robert "Bob" Slover of Peoria Heights.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Mahoney, 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. 30

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Friday, April 15, 2011, the House of Representatives stands adjourned until Tuesday, April 26, 2011 at 12:00 o'clock noon, or until the call of the Speaker; and the Senate stands adjourned until Wednesday, April 27, 2011, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, May 03, 2011, or until the call of the President.

Adopted by the House, April 15, 2011.

MARK MAHONEY, Clerk of the House

By unanimous consent, on motion of Senator Crotty, the foregoing message reporting House Joint Resolution No. 30 was taken up for immediate consideration.

Senator Crotty 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.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Steans, **Senate Bill No. 2404,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2406,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2409,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2410** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2416** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2417** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2418** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2419** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2421** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2422** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2423** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2424** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2425** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2426** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2427** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2428** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2429** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2432** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2433** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2436** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2438** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2439** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2440** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2441** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2442** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2443** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2448** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2451** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2452** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2455** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2456** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2459** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2460** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2461** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2463** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2464** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2465** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2466** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2467** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2469** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2470** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2471** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2472** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2473** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2474** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2476** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2480** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2449** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2477** was taken up, read by title a second time and ordered to a 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:

Senate Floor Amendment No. 1 to Senate Bill 960

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

April 15, 2011

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House

Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 4, 2011 as the 3rd Reading deadline for all Senate Bills remaining on the Order of 3rd Reading, at the time of adjournment on Friday, April 15, 2011.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

COMMUNICATIONS

ILLINOIS STATE SENATE
SENATOR DON HARMON
PRESIDENT PRO TEMPORE
39TH DISTRICT

April 14, 2011

The Honorable Jillayne Rock
Secretary of the Senate
Room 403 Capitol Building
Springfield, IL 62704

Madame Secretary:

Today, Senator Hutchinson presented Senate Bill 1923 to the Senate. The bill is an initiative of the Illinois Department of Transportation. Other lawyers in the law firm that employs me provide legal services from time to time to the Department of Transportation. Accordingly, to avoid the appearance of conflict on interest, I abstained from voting on the amendment to Senate Bill 1923 and I hereby disclose that fact to the Senate.

Sincerely,
s/Don Harmon
Don Harmon

ILLINOIS STATE SENATE
SENATOR DON HARMON
PRESIDENT PRO TEMPORE
39TH DISTRICT

April 14, 2011

The Honorable Jillayne Rock
Secretary of the Senate
Room 403 Capitol Building
Springfield, IL 62704

Madame Secretary:

Today, Senator Martinez presented Senate Bill 1613 to the Senate. The bill would require indemnification of trustees of retirement systems against all damage claims and suits, which would apply

only to the non-state pension funds. The Firemen's Annuity and Benefit Fund of Chicago is a proponent of this bill.

Also today, Senator Raoul presented Senate Bill 1672 to the Senate. The bill would require the Board of the Firemen's Annuity and Benefit Fund of Chicago to conduct biennial audits starting in 2011 to find the annual cost of duty disability to the fund and include this report in its annual audit.

The law firm that employs me provides legal services to the Firemen's Annuity and Benefit Fund of Chicago. Accordingly, to avoid the appearance of conflict of interest, I abstained from voting on Senate Bill 1613 and 1672 and I hereby disclose that fact to the Senate.

Sincerely,
s/Don Harmon
Don Harmon

At the hour of 2:43 o'clock p.m., pursuant to **House Joint Resolution No. 30**, the Chair announced the Senate stand adjourned until Tuesday, April 27, 2011, in perfunctory session, or until the call of the President.