SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED SECOND GENERAL ASSEMBLY

36TH LEGISLATIVE DAY

THURSDAY, MAY 6, 2021

9:10 O'CLOCK A.M.

NO. 36
[May 6, 2021]

SENATE
Daily Journal Index
36th Legislative Day

PERFUNCTORY SESSION
9:10 O'CLOCK A.M.

The Senate met in perfunctory session pursuant to the directive of the President.
Pursuant to Senate Rule 2-5(c)2, the Secretary of the Senate conducted the perfunctory session.

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS

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

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

May 5, 2021

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am scheduling a Perfunctory Session to convene on Thursday, May 6, 2021.

Sincerely,
s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader Dan McConchie

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Altamont Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Greenville Police Department.

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

LEGISLATIVE MEASURES FILED

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

Amendment No. 2 to Senate Bill 2393

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

Amendment No. 1 to House Bill 266
Amendment No. 1 to House Bill 816

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 276

Offered by Senator Johnson and all Senators:
Mourns the death of Patrice M. Johannes of Palatine.

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

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Cunningham, Vice-Chair of the Committee on Assignments, during its May 6, 2021 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Energy and Public Utilities: **Floor Amendment No. 2 to Senate Bill 2393**.

Pursuant to Senate Rule 3-8 (b-1), the following amendment will remain in the Committee on Assignments: **Committee Amendment No. 1 to Senate Bill 2158**.

At the hour of 9:11 o'clock a.m., the perfunctory session stood adjourned.

REGULAR SESSION
12:53 O'CLOCK P.M.

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

Senator Hunter moved that reading and approval of the Journal of Wednesday, May 5, 2021, be postponed, pending arrival of the printed Journal.
The motion prevailed.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
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312-814-2075

May 5, 2021

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am cancelling Session scheduled for Friday, May 7, 2021.

Sincerely,
s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader Dan McConchie

REPORTS FROM STANDING COMMITTEES

Senator E. Jones III, Chair of the Committee on Licensed Activities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1078
Senate Amendment No. 3 to Senate Bill 1078

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

Senator E. Jones III, Chair of the Committee on Licensed Activities, to which was referred **House Bills Numbered 704, 806 and 836**, reported the same back with the recommendation that the bills do pass.
Under the rules, the bills were ordered to a second reading.

Senator E. Jones III, Chair of the Committee on Licensed Activities, to which was referred **House Bill No. 214**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.
Under the rules, the bill was ordered to a second reading.

Senator Landek, Chair of the Committee on State Government, to which was referred **Senate Bill No. 2460**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.
Under the rules, the bill was ordered to a second reading.

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

Senate Amendment No. 2 to Senate Bill 921

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

Senator Landek, Chair of the Committee on State Government, to which was referred **Senate Resolutions Numbered 28, 92, 142 and 143**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions Numbered 28, 92, 142 and 143** were placed on the Secretary's Desk.

Senator Landek, Chair of the Committee on State Government, to which was referred **Senate Resolution No. 94**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Resolution No. 94** was placed on the Secretary's Desk.

Senator Landek, Chair of the Committee on State Government, to which was referred **House Bills Numbered 115, 117, 368, 550, 590, 592 and 605**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Landek, Chair of the Committee on State Government, to which was referred **House Bill No. 832**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Castro, Chair of the Committee on Executive, to which was referred **Senate Bill No. 2042**, reported the same back with the recommendation that the bill do pass.

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

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

Senate Amendment No. 1 to Senate Bill 818
Senate Amendment No. 2 to Senate Bill 818
Senate Amendment No. 3 to Senate Bill 1089
Senate Amendment No. 1 to Senate Bill 1204

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

Senator Castro, Chair of the Committee on Executive, to which was referred **House Bills Numbered 691, 848 and 1063**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

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

Senate Amendment No. 4 to Senate Bill 1747

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

Senator Hunter, Chair of the Committee on Revenue, to which was referred **House Bills Numbered 571 and 648**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

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

Senate Amendment No. 1 to Senate Bill 147
Senate Amendment No. 1 to Senate Bill 930
Senate Amendment No. 4 to Senate Bill 1672

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

Senator Harris, Chair of the Committee on Insurance, to which was referred **House Bills Numbered 706 and 711**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Ellman, Chair of the Committee on Financial Institutions, to which was referred **House Bill No. 741**, reported the same back with the recommendation that the bill do pass.

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

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

Senate Amendment No. 4 to Senate Bill 2103

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

Senator Martwick, Chair of the Committee on Pensions, to which was referred **House Bill No. 351**, reported the same back with the recommendation that the bill do pass.

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

Senator Villanueva, Chair of the Committee on Human Rights, to which was referred **House Bills Numbered 58, 588 and 709**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Villanueva, Chair of the Committee on Human Rights, to which was referred **House Bills Numbered 25 and 121**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Glowiak Hilton, Chair of the Committee on Commerce, to which was referred **Senate Resolution No. 140**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 140** was placed on the Secretary's Desk.

Senator Glowiak Hilton, Chair of the Committee on Commerce, to which was referred **House Bills Numbered 122, 395 and 665**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Bush, Chair of the Committee on Environment and Conservation, to which was referred **House Bill No. 713**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

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

Senate Amendment No. 2 to Senate Bill 2393
Senate Amendment No. 3 to Senate Bill 2663

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

Senator Hastings, Chair of the Committee on Energy and Public Utilities, to which was referred **House Bill No. 165**, reported the same back with the recommendation that the bill do pass.

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

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has 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. 11

WHEREAS, Private First Class Andrew N. Meari was assigned to service in Afghanistan as a member of 1st Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division (Air Assault); and

WHEREAS, While guarding an entrance point to Combat Outpost Senjaray on November 1, 2010, PFC Meari and a comrade intercepted a motorcycle-riding, explosive-armed suicide bomber who was trying to get into the American combat camp; and

WHEREAS, Upon being intercepted, the suicide bomber detonated himself, killing himself and two Americans, including PFC Meari; and

WHEREAS, PFC Meari was killed in action in Afghanistan on November 1, 2010 under circumstances that saved multiple lives in the combat outpost that was under attack; and

WHEREAS, The memory of PFC Meari and his heroic service is commemorated by his neighbors with PFC Andrew Meari Memorial Park, located in his home town of Plainfield; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Illinois Route 59 from Caton Farm Road to Illinois Route 126 as the "PFC Andrew Meari Memorial Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect, at suitable locations consistent with State and Federal regulations, an appropriate plaque or signs giving notice of the name "PFC Andrew Meari Memorial Highway"; and be it further

RESOLVED, That suitable copies of this resolution be presented to Denise Williams of Plainfield, the mother of Private First Class Andrew N. Meari, and the Secretary of the Illinois Department of Transportation.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 11 was referred to the Committee on Assignments.

A message from the House by

Mr. Hollman, Clerk:

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

HOUSE JOINT RESOLUTION NO. 14

WHEREAS, The ongoing COVID-19 pandemic has already resulted in trillions of dollars of long-term economic losses; and

WHEREAS, The Illinoisan business community is suffering from hundreds of millions of dollars of economic losses; and

WHEREAS, Pandemics pose a systemic risk to the insurance industry and the overall economy; the business interruption loss potential from viral pandemics far exceeds the capital, surplus, and premium resources of the private insurance industry, making pandemic risks uninsurable in the private market alone; and

WHEREAS, After a lengthy review of the challenges Illinois faces with regards to pandemic risk, The Business Interruption Insurance Task Force, including representatives from the insurance industry, the National Association of Mutual Insurance Companies, the American Property Casualty Insurance Association, the Illinois Insurance Association, the Illinois General Assembly, and the Department of Insurance, has developed a variety of recommendations for federal solutions; and

WHEREAS, The Illinois Congressional Delegation is doing incredible work on behalf of Illinois during this difficult time; and

WHEREAS, To address the immediate financial distress of businesses, we need another round of economic relief similar to the CARES Act to fund the Payment Protection Program and to provide additional aid to state governments for distribution to small businesses through state grant programs such as the Business Interruption Grant Program; and

WHEREAS, Illinois businesses deserve a viable option for pandemic-related revenue replacement when the next pandemic strikes whether it is months or years from now; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that it is in the best interest of Illinoisans that our congressional delegation act swiftly to support the passage and implementation of another round of economic relief to fund the Payment Protection Program and to provide additional aid to state governments for distribution to small businesses through state grant programs, such as the Business Interruption Grant Program; and be it further

RESOLVED, That it is in the best interest of Illinoisans that our congressional delegation act swiftly to support the passage and implementation of a broad-based federal solution that addresses pandemic risk for Illinois businesses; and be it further

RESOLVED, That we are committed to continuing to urge our congressional delegation to find ways to protect and educate our business consumers, while creating an environment where a vital and robust pandemic risk solution can emerge in Illinois; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President of the United States, the U.S. Senate Majority Leader, the U.S. Senate Minority Leader, the U.S. Speaker of the House, the U.S. House of Representatives Minority Leader, and all members of the Illinois Congressional Delegation.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 14 was referred to the Committee on Assignments.

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

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

HOUSE JOINT RESOLUTION NO. 16

WHEREAS, The people living on the land that would eventually be designated as the District of Columbia were provided the right to vote for representation in Congress when the United States Constitution was ratified in 1788; and

WHEREAS, The passage of the Organic Act of 1801 placed the District of Columbia under the exclusive authority of the United States Congress and abolished residents' right to vote for members of Congress and the President and Vice President of the United States; and

WHEREAS, Residents of the District of Columbia were granted the right to vote for the President and Vice President through passage of the Twenty–Third Amendment to the United States Constitution in 1961; and

WHEREAS, As of 2020, the U.S. Census Bureau data estimates that the District of Columbia's population at approximately 712,000 residents is comparable to the populations of Wyoming (582,000), Vermont (623,000), Alaska (731,000), and North Dakota (765,000); and

WHEREAS, Residents of the District of Columbia share all the responsibilities of United States citizenship, including paying more federal taxes than residents of 22 states, serving on federal juries, and defending the United States as members of the United States armed forces in every war since the War for Independence; yet, they are denied full representation in Congress; and

WHEREAS, The residents of the District of Columbia themselves have endorsed statehood for the District of Columbia and passed a District–wide referendum on November 8, 2016 which favored statehood by 86%; and

WHEREAS, No other democratic nation denies the right of self–government, including participation in its national legislature, to the residents of its capital; and

WHEREAS, The residents of the District of Columbia lack full democracy, equality, and citizenship enjoyed by the residents of the 50 states; and

WHEREAS, The United States Congress has interfered repeatedly with the District of Columbia's limited self–government by enacting laws that affect the District of Columbia's expenditure of its locally-raised tax revenue; this includes barring the usage of locally-raised revenue, thus violating the fundamental principle that states and local governments are best suited to enact legislation that represents the will of their citizens; and

WHEREAS, Although the District of Columbia has passed consecutive balanced budgets since FY 1997, it still faces the possibility of being shut down yearly because of Congressional deliberations over the federal budget; and

WHEREAS, In the 117th Congress, District of Columbia Delegate Eleanor Holmes Norton and Delaware U.S. Senator Tom Carper introduced H.R. 51 and S. 51, the Washington, D.C. Admission Act, that provides that the State of Washington, D.C. would have all the rights of citizenship as taxpaying American citizens, including two Senators and at least one House member; and

WHEREAS, The United Nations Human Rights Committee has called on the United States Congress to address the District of Columbia's lack of political equality, and the Organization of American States has declared the disenfranchisement of the District of Columbia residents a violation of its charter agreement to which the United States is a signatory; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the members of the United States Congress to enact federal legislation granting statehood to the people of Washington, D.C.; and be it further

RESOLVED, That the State of Illinois supports admitting Washington, D.C. into the Union as a state of the United States of America.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 16 was referred to the Committee on Assignments.

A message from the House by

Mr. Hollman, Clerk:

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

HOUSE JOINT RESOLUTION NO. 20

WHEREAS, It is appropriate to remember the many sacrifices and contributions to the cause of freedom made by the outstanding men and women who served in the United States Armed Forces; and

WHEREAS, Lt. Col. Stein was born in Des Moines, Iowa to Jay and Hazel (Fick) Stein on July 8, 1963; he married Barbara Nelson in Macomb on July 9, 1983; and

WHEREAS, Lt. Col. Stein grew up in the Macomb area and moved away in 1983; he graduated from the Rochester Institute of Technology in 1985; he received his master's degree from the University of Maryland; and

WHEREAS, Lt. Col. Stein was commissioned into the United States Army and transferred to the United States Air Force; during his military career, he flew 3,901 hours; he volunteered for the rescue mission he was flying when he was killed in Afghanistan on March 23, 2003; and

WHEREAS, During his military career, Lt. Col. Stein received a Meritorious Service Medal, an Air Medal, an Aerial Achievement Medal, an Air Force Commendation Medal, an Army Commendation Medal, and an Army Achievement Medal; and

WHEREAS, Lt. Col. Stein's passing has been deeply felt by many, especially his wife, Barbara Nelson Stein; his father, Jay W. Stein; his mother, Hazel Henry; his two sons, Doug and Tim Stein; his daughter, Erin Stein Jones; his sisters, Holly Stein, Navida (James McLaughlin) Stein, and April Stein; his six nieces; and his two nephews; and

WHEREAS, Lt. Col. Stein was preceded in death by his grandparents; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Old Highway 136 from E. 950th St. to E. 750th St. between Macomb and Colchester as the "Lt. Col. John Stein Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the Secretary of Transportation and the family of Lt. Col. Stein.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 20 was referred to the Committee on Assignments.

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

HOUSE JOINT RESOLUTION NO. 21

WHEREAS, It is important to remember and honor the service of those who gave the ultimate sacrifice in the defense of the United States of America; and

WHEREAS, U.S. Army Specialist Wesley R. Wells was born in Libertyville on October 24, 1982; he was a lifelong resident of Libertyville and attended Libertyville High School; and

WHEREAS, After high school, SPC Wells enlisted in the United States Army; he was stationed at Schofield Barracks in Honolulu, Hawaii; and

WHEREAS, In April of 2004, SPC Wells was deployed to Afghanistan to conduct combat operations with the 2nd Battalion, 27th Infantry; and

WHEREAS, On September 20, 2004, SPC Wells was killed in action in Paktika, Afghanistan; and

WHEREAS, SPC Wells was extremely proud of his career and accomplishments in the military; for his service, he was awarded the Bronze Star, the Purple Heart, the Combat Infantryman Medal, the Army Good Conduct Medal, the Army Service Ribbons, the Global War on Terrorism Service Medal, and the Global War on Terrorism Expeditionary Medal; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Illinois Route 137 from Illinois Route 21 to Butterfield Road in Libertyville as the "Army SPC Wesley R. Wells Memorial Road"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriated plaques or signs giving notice of the name "Army SPC Wesley R. Wells Memorial Road"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of SPC Wells and the Secretary of Transportation.
Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 21 was referred to the Committee on Assignments.

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

HOUSE JOINT RESOLUTION NO. 25

WHEREAS, It is highly fitting that the Illinois General Assembly pays respect to Captain Jacob "Jake" Ringering by honoring him with a memorial highway; and

WHEREAS, Jake Ringering passed away in the line of duty on March 5, 2019 at the age of 37; he was born on December 14, 1981 in Alton; he graduated from East Alton Wood River High School in 2000 and from Lewis & Clark Community College in 2004 with an Associate's Degree in Fire Science; he also earned his Emergency Medical Technician License; and

WHEREAS, Jake Ringering began his long career as a firefighter in East Alton on February 20, 2001; he was hired as a career firefighter at East Alton on December 20, 2005; on August 5, 2010, he was hired as a career firefighter with the Godfrey Fire Protection District, where he attained the rank of lieutenant on March 27, 2013 and captain on May 1, 2014; and

WHEREAS, Jake Ringering was the technical rescue officer, respiratory protection officer, and lead instructor for the Godfrey Fire Protection District; he earned Illinois Office of the State Fire Marshal Certification in Firefighter II, Firefighter III, Basic Operations Firefighter, Advanced Technician Firefighter, Fire Officer I, Hazardous Materials Awareness, Technical Rescue Awareness, Fire Service Vehicle Operator, Fire Apparatus Engineer, Vehicle and Machinery Operations, Rescue Specialist-Confined Space, Hazardous Materials First Responder Operations, Rope Operations, Fire Service Instructor I, Fire Service Instructor II, Fire Investigator, and Rescue Specialist-Vertical II/High Angle; and

WHEREAS, As a result of his dedication to public service, Jake Ringering impacted many lives, and countless individuals are alive today as a testament; he served as president of the Godfrey Firefighters Local 1692 and taught fire science at Lewis & Clark Community College; he was also a trainer/instructor through Max Fire Training and a member of St. Mary's Catholic Church in Alton; and

WHEREAS, Jake Ringering was preceded in death by his grandparents, Lucien and Majorie Ringering, and Captain Ed Ballard; and

WHEREAS, At the time of his death, Jake Ringering was survived by his wife, Allison Ringering; his children, Nora Marie Ringering, Elaina Lynn Ringering, and Logan Jacob Ringering; his parents, Robin Ballard Disney and her husband, Reverend Stephen Disney, and Larry Ringering and his wife, Jan; his brother, Chris Stratton (Richel); his sister, Julie Downs (Jedediah); his grandmother, Thelma Ballard; Allison's parents, Robert and Susan Budde; his sister-in-law, Andrea Budde; his brother-in-law, Andrew Budde; his nieces and nephews, Jaden, Jerald, Jolene, and Jacqueline Downs, Landon and Levi Stratton, and Jackson Budde; and numerous aunts, uncles, and cousins; and

WHEREAS, Jake Ringering was the most devoted husband and father to his family and always put them first in his life; he was a leader and always wanted to help others; he was a loving son, brother, and in-law, who never met a stranger; he was loved by many people, and everyone he met called him a friend; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate West Delmar Avenue in Godfrey as it travels between Pierce Lane and Valhalla Cemetery as "The Captain Jake Ringering Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Captain Jake Ringering, the Secretary of the Illinois Department of Transportation, and the Mayor of the Village of Godfrey.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 25 was referred to the Committee on Assignments.

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

HOUSE JOINT RESOLUTION NO. 26

WHEREAS, It is highly fitting that the Illinois General Assembly pay respect to the life of Eldon C. "Twirp" Williams Jr. by honoring him with a memorial highway in Godfrey; and

WHEREAS, Eldon Williams Jr. passed away on October 16, 2018 at the age of 87; he was born on August 5, 1931 in Alton in Madison County to Eldon C. Williams Sr. and Patricia McGuiggan; he married Jackie Wohlert on July 25, 1991; and

WHEREAS, Eldon Williams Jr. worked in Godfrey in Madison County as the tax assessor for 40 years; he was a realtor at Landmark Realty and an Air Force veteran; he served as a member on the Godfrey Village Board and was a member of St. Peter and Paul Catholic Church; and

WHEREAS, Eldon Williams Jr. was preceded in death by his son, Jonathan Williams; and

WHEREAS, Eldon Williams Jr. is survived by his wife, Jackie Williams; his brother, Terry Williams; his daughters, Jill Williams, Joy Phillippi, Jan Williams, JoEllen Archerd, Jean Ann Parks, and Jenny Kadow; his stepchildren, Doug Wohlert and Becky Branum; several nieces and nephews; 11 grandchildren; and 14 great-grandchildren; and

WHEREAS, Eldon Williams Jr. was not only loved dearly by his friends and family but was also an esteemed citizen and respected member of Madison County, who had his life tragically taken before his time; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Illinois Route 111 along Godfrey Road from Stamper Lane to Crestwood Drive as the "Eldon 'Twirp' Williams Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Eldon Williams Jr., the Secretary of the Illinois Department of Transportation, and the Mayor of the Village of Godfrey.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 26 was referred to the Committee on Assignments.

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

HOUSE JOINT RESOLUTION NO. 28

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to the truly great individuals who have served our country and, in so doing, have gone above and beyond the call of duty in truly heroic acts; and

WHEREAS, Robert Holloway was born in Keithsburg on December 29, 1942 and served in the U.S. Navy, achieving the rank of Petty Officer Second Class; he died while serving his country in South Vietnam on February 20, 1966; and

WHEREAS, Ronald Crose was born in Keithsburg on December 10, 1945 and served in the U.S. Navy, achieving the rank of Petty Officer Third Class; he was killed in action while serving his country in South Vietnam on November 24, 1967; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate 76th Street in Keithsburg from Jackson Street to IL-17 as the "PO2 Robert Holloway and PO3 Ronald Crose Memorial Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "PO2 Robert Holloway and PO3 Ronald Crose Memorial Highway"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the families of PO2 Holloway and PO3 Crose and the Mayor of Keithsburg.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 28 was referred to the Committee on Assignments.

A message from the House by

Mr. Hollman, Clerk:

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

HOUSE JOINT RESOLUTION NO. 29

WHEREAS, It is important to remember and honor those who gave the ultimate sacrifice in service to our great country and the State of Illinois; and

WHEREAS, CPL Joseph C. Clegg was a soldier who made the ultimate sacrifice in the Western Theater of the American Civil War during the siege of Vicksburg, Mississippi, a fortress city that dominated the last Confederate-controlled section of the Mississippi River; the Union victory at Vicksburg was a major turning point of the Civil War and was declared by President Abraham Lincoln as a "key" to defeating the Confederacy and by Confederate President Jefferson Davis as "the nailhead that held the South's two halves together"; and

WHEREAS, Union attempts to take Vicksburg in the summer of 1862 failed in part because of the difficulties its geography presented, with the city resting high on a hill; and

WHEREAS, Union General Ulysses S. Grant started planning another more sustained effort to take Vicksburg that included building a canal so Union troops could move beyond the range of Confederate guns to allow for a larger gathering of Union troops; and

WHEREAS, The battle, which become widely known as the Vicksburg Campaign, included multiple battles when General Grant settled in for a siege by surrounding Vicksburg on May 18, 1863 that lasted for 47 days until, on July 4, 1863, Confederate General John Pemberton and General Grant finalized the surrender of Confederate troops and the Union Army took control of Vicksburg; and

WHEREAS, During the course of the Vicksburg Campaign, CPL Clegg from Minonk braved the elements and fought valiantly to preserve the Union; he was killed in action on May 22, 1863; and

WHEREAS, As a consequence of its military importance and of the sacrifice made by so many people, Vicksburg became a symbol to memorialize Civil War soldiers; and

WHEREAS, The bravery of countless Civil War soldiers who fought to the end is consistent with the greatest acts of heroism known in our nation's history; and

WHEREAS, CPL Clegg of the 77th Illinois Volunteer Infantry is interred and memorialized in the Vicksburg National Cemetery, which is the final resting place for over 17,000 Union and Confederate soldiers who died during the Vicksburg Campaign; and

WHEREAS, CPL Clegg is also memorialized on the tombstone of his parents, Alexander Clegg and Sarah Conway Clegg, and on the gravesite of his siblings, Martha Clegg Earl and Thomas Sylvester Clegg, in Minonk Township Cemetery; and

WHEREAS, CPL Clegg served valiantly and died on the battlefield of Vicksburg during our nation's fight to preserve democracy and freedom for all Americans; and

WHEREAS, The State of Illinois is one of 31 states to have memorials or monuments commemorating the contribution of their citizens during the Vicksburg Campaign; and

WHEREAS, CPL Clegg is an example of dedication and sacrifice to preserve a more perfect Union, and it is fitting we remember his ultimate sacrifice; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Illinois Route 251 as it travels through Minonk as the "CPL Joseph C. Clegg Memorial Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the Secretary of Transportation, the Mayor of Minonk, the Woodford County Historical Society, and the descendants of CPL Clegg.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 29 was referred to the Committee on Assignments.

A message from the House by

Mr. Hollman, Clerk:

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

HOUSE JOINT RESOLUTION NO. 30

WHEREAS, It is appropriate to remember the many sacrifices and contributions to the cause of freedom made by the outstanding men and women who have served in the United States Armed Forces; and

WHEREAS, From 1946 to 1962, the United States conducted approximately 200 atmospheric nuclear tests, more than all other nuclear states combined at that time; and

WHEREAS, Approximately 400,000 servicemen in the U.S. Army, Navy, and Marines were present during these atmospheric tests, whether as witnesses to the tests themselves or as post-test cleanup crews; and

WHEREAS, The Manhattan Project was the code name for the American-led effort to develop a functional atomic weapon during World War II; and

WHEREAS, Two types of atomic bombs were developed concurrently during the war, a relatively simple gun-type fission weapon and a more complex implosion-type nuclear weapon; the Thin Man gun-type design proved impractical to use with plutonium, and therefore, a simpler gun-type called Little Boy was developed that used uranium-235, an isotope that makes up only 0.7 percent of natural uranium; since it was chemically identical to the most common isotope, uranium-238, and had almost the same mass, separating the two proved difficult; three methods were employed for uranium enrichment, electromagnetic, gaseous, and thermal; most of this work was performed at the Clinton Engineer Works at Oak Ridge, Tennessee; and

WHEREAS, In parallel with the work on uranium was an effort to produce plutonium, which was discovered by researchers at the University of California, Berkeley, in 1940; after the feasibility of the world's first artificial nuclear reactor, the Chicago Pile-1, was demonstrated in 1942 at the Metallurgical Laboratory in the University of Chicago, the project designed the X-10 Graphite Reactor at Oak Ridge and the production reactors at the Hanford Site in Washington state, in which uranium was irradiated and transmuted into plutonium and the plutonium was then chemically separated from the uranium, using the bismuth phosphate process; the Fat Man plutonium implosion-type weapon was developed in a concerted design and development effort by the Los Alamos Laboratory; and

WHEREAS, Illinois played an important part in the Manhattan Project; and

WHEREAS, Argonne National Laboratory is a science and engineering research national laboratory operated by the University of Chicago for the United States Department of Energy; the facility is located in Lemont, outside of Chicago, and is the largest national laboratory by size and scope in the Midwest; and

WHEREAS, On July 1, 1946, the laboratory was formally chartered as Argonne National Laboratory to conduct cooperative research in nucleonics; at the request of the U.S. Atomic Energy Commission, it began developing nuclear reactors for the nation's peaceful nuclear energy program; in the late 1940s and early 1950s, the laboratory moved to a larger location in Lemont and established a remote location in Idaho called "Argonne-West" to conduct further nuclear research; and

WHEREAS, Code-named the "Metallurgical Lab", the team constructed Chicago Pile-1, which achieved criticality on December 2, 1942 underneath the stands at the University of Chicago's Stagg Field; because the experiments were deemed too dangerous to conduct in a major city, the operations were moved to a spot in nearby Palos Hills and renamed "Argonne" after the surrounding forest; and

WHEREAS, Red Gate Woods is a forest preserve within the Palos Division of the Forest Preserve District of Cook County and is located near where the Cal-Sag Channel meets the Chicago Sanitary and Ship Canal; the original site of Argonne National Laboratory and the Site A/Plot M Disposal Site is in the woods, which contains the buried remains of Chicago Pile-1, the world's first artificial nuclear reactor; and

WHEREAS, It is important to remember and honor the sacrifices and achievements of all those who served; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Illinois Route 171 between Illinois Route 83 and U.S. Route 45 as the "Atomic Veterans Highway"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the Secretary of Transportation and the Atomic Heritage Foundation.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 30 was referred to the Committee on Assignments.

A message from the House by

Mr. Hollman, Clerk:

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

HOUSE JOINT RESOLUTION NO. 31

WHEREAS, It is important to remember and honor those who gave the ultimate sacrifice in service to the State Of Illinois; and

WHEREAS, Illinois State Police Trooper Marvin C. Archer, a World War II veteran, was killed in a gunfight on June 18, 1946 while attempting to apprehend two vehicle thieves at the intersection of Illinois Route 45 and 9 near Paxton; and

WHEREAS, Trooper Archer and his partner, Vernon Harper, spotted the stolen vehicle and initiated a traffic stop; the two suspects opened fire, and both officers took cover and returned fire; and

WHEREAS, Trooper Archer was shot and died on the scene; and

WHEREAS, One of the suspects re-entered a vehicle and led Illinois and Indiana state police on a pursuit; he changed vehicles two more times before Illinois troopers found him approximately three hours later inside a parked vehicle near Champaign; three troopers opened fire and fatally shot the suspect multiple times; and

WHEREAS, Trooper Archer served two years with the Illinois State Police and then two years as a combat engineer in the Pacific during World War II; he returned to his state police duties six months before his death; and

WHEREAS, The Illinois State Police have saved countless lives by protecting the citizens of Illinois though law enforcement and patrolling the roadways of our State; and

WHEREAS, Trooper Archer is an example of the dedication and sacrifice of the Illinois State Police, and it is fitting we remember his sacrifice; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Illinois Route 9 between South Washington Street and High Street in Paxton as the "Trooper Marvin C. Archer Memorial Road"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "Trooper Marvin C. Archer Memorial Road"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Trooper Archer and the Secretary of Transportation.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 31 was referred to the Committee on Assignments.

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

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

HOUSE JOINT RESOLUTION NO. 32

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to the truly great individuals who have served our country and, in doing so, have made the ultimate sacrifice for our nation; and

WHEREAS, SP4 William Eugene Campbell was born to Ida Marie and Kenneth Campbell on October 24, 1948; he was one of eight children along with his brother, Bob Campbell, and his six sisters, Sandy Painter, Betty Evans, Judy Buchanan, Joyce Borchers, Janet Barker, and Jeanne Taylor; and

WHEREAS, SP4 Campbell graduated in June of 1968 from Gibson City High School at a trying time for many young men due to the heavy involvement of the United States in the Vietnam War; and

WHEREAS, Like many others facing the draft, SP4 Campbell was called to serve in the U.S. Army on August 12, 1968; and

WHEREAS, Just under a year into his service on August 2, 1969, SP4 Campbell was killed in action, the first and only casualty from Gibson City; and

WHEREAS, SP4 Campbell received several recognitions for his actions in Vietnam, including the Silver Star, which was presented to his mother Ida, for the time he "distinguished himself as a leader in Company B, First Airborne Battalion, 501st Infantry, 101st Airborne Division, USARV, during a search and clear operation near the city of Tam Ky, Republic of Vietnam"; and

WHEREAS, In addition to his Silver Star, SP4 Campbell received the Bronze Star, the Purple Heart, the Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal with one Bronze Service Star, the Vietnam Campaign Ribbon, and the Combat Infantryman Badge; and

WHEREAS, SP4 Campbell's heroism and willingness to sacrifice his own well-being was an inspiration to his entire platoon; his bravery and devotion to duty and his fellow soldiers were in keeping with the highest traditions of military service; and

WHEREAS, SP4 Campbell's actions reflect positively on himself, his family, his unit, and the U.S. Army; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate Illinois Route 47 as it travels through Gibson City as the "Vietnam Veteran SP4 William Eugene Campbell Memorial Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect, at suitable locations consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the "SP4 William Eugene Campbell Memorial Highway"; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of SP4 Campbell, the Mayor of Gibson City, and the Secretary of Transportation.

Adopted by the House, May 5, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 32 was referred to the Committee on Assignments.

MOTION

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

The motion prevailed.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1883, sponsored by Senator Stoller, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2987, sponsored by Senator Barickman, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3069, sponsored by Senator Gillespie, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3515, sponsored by Senator Rezin, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Murphy, **Senate Bill No. 633** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Education.

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

On motion of Senator Aquino, **Senate Bill No. 667** having been printed, was taken up, read by title a second time.

Senator Aquino offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 667

AMENDMENT NO. 1 . Amend Senate Bill 667 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Way Forward Act.

Section 5. The Illinois TRUST Act is amended by changing Sections 5, 10, and 15 and by adding Sections 25 and 30 as follows:

(5 ILCS 805/5)

Sec. 5. Legislative purpose. Recognizing that State law does not currently grant State or local law enforcement the authority to enforce federal civil immigration laws, it is the intent of the General Assembly that nothing in this Act shall be construed to authorize any law enforcement agency or law enforcement official to enforce federal civil immigration law. This Act shall not be construed to prohibit or restrict any entity from sending to, or receiving from, the United States Department of Homeland Security or other federal, State, or local government entity information regarding the citizenship or immigration status of any individual under Sections 1373 and 1644 of Title 8 of the United States Code. Further, nothing in this Act shall prevent a law enforcement officer from contacting another law enforcement agency for the purposes of

clarifying or confirming the nature and status of possible offenses in a record provided by the National Crime Information Center, or detaining someone based on a notification in the Law Enforcement Agencies Data Administrative System unless it is a ~~clear that~~ request ~~is~~ based on a civil ~~non-judicial~~ immigration warrant or immigration detainer.

(Source: P.A. 100-463, eff. 8-28-17.)

(5 ILCS 805/10)

Sec. 10. Definitions. In this Act:

"Citizenship or immigration status" means all matters regarding questions of citizenship of the United States or any other country or the authority to reside in or otherwise be present in the United States.

"Civil immigration warrant" means an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document, that can form the basis for an individual's arrest or detention for a civil immigration enforcement purpose. A civil immigration warrant includes but is not limited to Form I-200 (Warrant for Arrest of Alien), Form I-203 (Order to Detain or Release Alien), Form I-205 (Warrant of Removal/Deportation), any predecessor or successor form, and all warrants, hits, or requests contained in the Immigration Violator File of the Federal Bureau of Investigation's National Crime Information Center (NCIC) database. This definition does not include any criminal warrant issued upon a judicial determination of probable cause and in compliance with the requirements of the Fourth Amendment to the United States Constitution and Section 6 of Article I of the Illinois Constitution.

"Contact information" means home address, work address, telephone number, electronic mail address, social media information, or any other personal identifying information that could be used as a means to contact an individual.

"Immigration agent" means an agent of federal Immigration and Customs Enforcement, federal Customs and Border Protection, or any successor, or any other agent enforcing civil immigration laws.

"Immigration detainer" means a request to a state or local law enforcement agency to provide notice of release or maintain custody of an individual based on an alleged violation of a civil immigration law, including detainers issued pursuant to Sections 1226 or 1357 of Title 8 of the United States Code or 8 CFR 236.1 or 287.7. An immigration detainer includes, but is not limited to, Form I-247A (Immigration Detainer – Notice of Action) and any predecessor or successor form. ~~a document issued by an immigration agent that is not approved or ordered by a judge and requests a law enforcement agency or law enforcement official to provide notice of release or maintain custody of a person, including a detainer issued under Section 1226 or 1357 of Title 8 of the United States Code or Section 236.1 or 287.7 of Title 8 of the Code of Federal Regulations.~~

"Law enforcement agency" means an agency of the State or of a unit of local government charged with enforcement of State, county, or municipal laws or with managing custody of detained persons in the State, including, but not limited to, municipal police departments, sheriff's departments, campus police departments, the Illinois State Police, the Department of Corrections, and the Department of Juvenile Justice.

"Law enforcement official" means any officer or other agent of a State or local law enforcement agency authorized to enforce criminal laws, rules, regulations, or local ordinances or operate jails, correctional facilities, or juvenile detention facilities or to maintain custody of individuals in jails, correctional facilities, or juvenile detention facilities. Law enforcement official shall also include any probation officer or any school resource officer or other police assigned to any public school, including any public pre-school and other early learning program, public elementary and secondary school, or public institution of higher education. ~~individual with the power to arrest or detain individuals, including law enforcement officers, county corrections officer, and others employed or designated by a law enforcement agency.~~

~~"Non-judicial immigration warrant" means a Form I-200 or I-205 administrative warrant or any other immigration warrant or request that is not approved or ordered by a judge, including administrative warrants entered into the Federal Bureau of Investigation's National Crime Information Center database.~~

(Source: P.A. 100-463, eff. 8-28-17.)

(5 ILCS 805/15)

Sec. 15. Prohibition on enforcing federal civil immigration laws.

(a) A law enforcement agency or law enforcement official shall not detain or continue to detain any individual solely on the basis of any immigration detainer or civil ~~non-judicial~~ immigration warrant or otherwise comply with an immigration detainer or civil ~~non-judicial~~ immigration warrant.

(b) A law enforcement agency or law enforcement official shall not stop, arrest, search, detain, or continue to detain a person solely based on an individual's citizenship or immigration status.

(c) (Blank). ~~This Section 15 does not apply if a law enforcement agency or law enforcement official is presented with a valid, enforceable federal warrant. Nothing in this Section 15 prohibits communication between federal agencies or officials and law enforcement agencies or officials.~~

(d) A law enforcement agency or law enforcement official acting in good faith in compliance with this Section who releases a person subject to an immigration detainer or civil ~~non judicial~~ immigration warrant shall have immunity from any civil or criminal liability that might otherwise occur as a result of making the release, with the exception of willful or wanton misconduct.

(e) A law enforcement agency or law enforcement official may not inquire about or investigate the citizenship or immigration status or place of birth of any individual in the agency or official's custody or who has otherwise been stopped or detained by the agency or official. Nothing in this subsection shall be construed to limit the ability of a law enforcement agency or law enforcement official, pursuant to state or federal law, to notify a person in the law enforcement agency's custody about that person's right to communicate with consular officers from that person's country of nationality, or facilitate such communication, in accordance with the Vienna Convention on Consular Relations or other bilateral agreements. Nothing in this subsection shall be construed to limit the ability of a law enforcement agency or law enforcement official to request evidence of citizenship or immigration status pursuant to the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, Article 24 of the Criminal Code of 2012, or 18 United States Code Sections 921 through 931.

(f) Unless otherwise limited by federal law, a law enforcement agency or law enforcement official may not deny services, benefits, privileges, or opportunities to an individual in custody or under probation status, including but not limited to eligibility or placement in a lower custody classification, educational, rehabilitative, or diversionary programs, on the basis of the individual's citizenship or immigration status, the issuance of an immigration detainer or civil immigration warrant against the individual, or the individual being in immigration removal proceedings.

(g)(1) No law enforcement agency, law enforcement official, or any unit of State or local government may enter into or renew any contract, intergovernmental service agreement, or any other agreement to house or detain individuals for federal civil immigration violations.

(2) Any law enforcement agency, law enforcement official, or unit of State or local government with an existing contract, intergovernmental agreement, or other agreement, whether in whole or in part, that is utilized to house or detain individuals for civil immigration violations shall exercise the termination provision in the agreement as applied to housing or detaining individuals for civil immigration violations no later than January 1, 2022.

(h) Unless presented with a federal criminal warrant, or otherwise required by federal law, a law enforcement agency or official may not:

(1) participate, support, or assist in any capacity with an immigration agent's enforcement operations, including any collateral assistance such as coordinating an arrest in a courthouse or other public facility, providing use of any equipment, transporting any individuals, or establishing a security or traffic perimeter surrounding such operations, or any other on-site support;

(2) give any immigration agent access, including by telephone, to any individual who is in that agency's custody;

(3) transfer any person into an immigration agent's custody;

(4) permit immigration agents use of agency facilities or equipment, including any agency electronic databases not available to the public, for investigative interviews or other investigative or immigration enforcement purpose;

(5) enter into or maintain any agreement regarding direct access to any electronic database or other data-sharing platform maintained by any law enforcement agency, or otherwise provide such direct access to the U.S. Immigration and Customs Enforcement, United States Customs and Border Protection or any other federal entity enforcing civil immigration violations;

(6) provide information in response to any immigration agent's inquiry or request for information regarding any individual in the agency's custody; or

(7) provide to any immigration agent information not otherwise available to the public relating to an individual's release or contact information, or otherwise facilitate for an immigration agent to apprehend or question an individual for immigration enforcement.

(i) Nothing in this Section shall preclude a law enforcement official from otherwise executing that official's duties in investigating violations of criminal law and cooperating in such investigations with federal and other law enforcement agencies (including criminal investigations conducted by federal Homeland Security Investigations (HSI)) in order to ensure public safety.

(Source: P.A. 100-463, eff. 8-28-17.)

(5 ILCS 805/25 new)

Sec. 25. Reporting requirements.

(a) In order to ensure compliance with this Act, starting on the effective date of this amendatory Act of the 102nd General Assembly, law enforcement agencies shall submit a report annually to the Attorney General. This report shall include:

(1) Any requests from the United States Department of Homeland Security, including, but not limited to, Immigration and Customs and Enforcement, with respect to participation, support, or assistance in any immigration agent's civil enforcement operation, and any documentation regarding how the request was addressed, provided that if an agency does not receive any such requests during a reporting period, the agency shall certify and report that it received no such requests;

(2) All immigration detainers or civil immigration warrants received by the law enforcement agency, provided that if an agency does not receive any such detainers or warrants during a reporting period, the agency shall certify and report that it received no such detainers or warrants. The reports shall include:

(A) the date when the immigration detainer or civil immigration warrant was received;

(B) the date and time the individual subject to the immigration detainer or civil immigration warrant posted criminal bail, if applicable;

(C) whether the individual subject to the immigration detainer or civil immigration warrant was released or transferred;

(D) the date and time the individual was released or transferred; and

(E) if the individual is transferred, to which governmental agency's custody.

(b) Law enforcement agencies shall not include names or other personally identifying information in any reports required under this Section.

(5 ILCS 805/30 new)

Sec. 30. Attorney General enforcement provisions. In order to ensure compliance with this Act:

(a) The Attorney General shall have authority to conduct investigations into violations of this Act. The Attorney General may: (1) require a law enforcement agency, law enforcement official, or any other person or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary; (2) examine under oath any law enforcement official or any other person alleged to have participated in or with knowledge of the alleged violation; or (3) issue subpoenas, obtain records, conduct hearings, or take any other actions in aid of any investigation. In the event a law enforcement agency, law enforcement official, or other person or entity fails to comply, in whole or in part, with a subpoena or other investigative request issued pursuant to this paragraph, the Attorney General may compel compliance through an action in the circuit court.

(b) Upon his or her own information or upon the complaint of any person, the Attorney General may maintain an action for declaratory, injunctive or any other equitable relief in the circuit court against any law enforcement agency, law enforcement official, or other person or entity who violates any provision of this Act. These remedies are in addition to, and not in substitution for, other available remedies.

Section 10. The Voices of Immigrant Communities Empowering Survivors (VOICES) Act is amended by changing Section 10 and by adding Sections 11, 20, 25, and 30 as follows:

(5 ILCS 825/10)

Sec. 10. Certifications for victims of qualifying criminal activity.

(a) The head of each certifying agency shall designate an official or officials in supervisory roles, either within the agency or, by agreement with another agency with concurrent jurisdiction over the geographic area or subject matter covered by that agency, within that other agency. Designated officials may not be members of a collective bargaining unit represented by a labor organization, unless the official is an attorney or is employed in an agency in which all supervisory officials are members of a collective bargaining unit. Certifying officials shall:

(1) respond to requests for completion of certification forms received by the agency, as required by this Section; and

(2) make information regarding the agency's procedures for certification requests publicly available for victims of qualifying criminal activity and their representatives.

(b) Any person seeking completion of a certification form shall first submit a request for completion of the certification form to the certifying official for any certifying agency that detected, investigated, or prosecuted the criminal activity upon which the request is based.

(c) A request for completion of a certification form under this Section may be submitted by a representative of the person seeking the certification form, including, but not limited to, an attorney, accredited representative, or domestic violence or sexual assault services provider.

(d) Upon receiving a request for completion of a certification form, a certifying official shall complete the certification form for any victim of qualifying criminal activity. In completing the certification form, there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. The certifying official shall fully complete and sign the certification form and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity. ~~If the certifying official cannot determine that the applicant is a victim of qualifying criminal activity, the certifying official may provide written notice to the person or the person's representative explaining why the available evidence does not support a finding that the person is a victim of qualifying criminal activity.~~ The certifying official shall complete the certification form and provide it to the person within 90 business days of receiving the request, except:

(1) if the person making the request for completion of the certification form is in federal immigration removal proceedings or detained, the certifying official shall complete and provide the certification form to the person no later than 21 business days after the request is received by the certifying agency;

(2) if the children, parents, or siblings of the person making the request for completion of the certification form would become ineligible for benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code by virtue of the person's children having reached the age of 21 years, the person having reached the age of 21 years, or the person's sibling having reached the age of 18 years within 90 business days from the date that the certifying official receives the certification request, the certifying official shall complete and provide the certification form to the person no later than 21 business days after the request is received by the certifying agency;

(3) if the person's children, parents, or siblings under paragraph (2) of this subsection (d) would become ineligible for benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code in less than 21 business days of receipt of the certification request, the certifying official shall complete and provide a certification form to the person within 5 business days; or

(4) a certifying official may extend the time period by which it must complete and provide the certification form to the person as required under this subsection (d) only upon written agreement with the person or person's representative.

Requests for expedited completion of a certification form under paragraphs (1), (2), and (3) of this subsection (d) shall be affirmatively raised by the person or that person's representative in writing to the certifying agency and shall establish that the person is eligible for expedited review.

(e) A certifying official who issued an initial certification form shall complete and reissue a certification form within 90 business days of receiving a request from a victim to reissue. If the victim seeking recertification has a deadline to respond to a request for evidence from United States Citizenship and Immigration Services, the certifying official shall complete and issue the form no later than 21 business days after the request is received by the certifying official. Requests for expedited recertification shall be affirmatively raised by the victim or victim's representative in writing and shall establish that the victim is eligible for expedited review. A certifying official may extend the deadline by which he or she will complete and reissue the certification form only upon written agreement with the victim or victim's representative.

(f) Notwithstanding any other provision of this Section, a certifying official's completion of a certification form shall not be considered sufficient evidence that an applicant for a U or T visa has met all eligibility requirements for that visa and completion of a certification form by a certifying official shall not be construed to guarantee that the victim will receive federal immigration relief. It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a U or T visa. Completion of a certification form by a certifying official merely verifies factual information relevant to the

federal immigration benefit sought, including information relevant for federal immigration officials to determine eligibility for a U or T visa. By completing a certification form, the certifying official attests that the information is true and correct to the best of the certifying official's knowledge. No provision in this Act limits the manner in which a certifying officer or certifying agency may describe whether the person has cooperated or been helpful to the agency or provide any additional information the certifying officer or certifying agency believes might be relevant to a federal immigration officer's adjudication of a U or T visa application. If, after completion of a certification form, the certifying official later determines the person was not the victim of qualifying criminal activity or the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, the certifying official may notify United States Citizenship and Immigration Services in writing.

(g) A certifying official or agency receiving requests for completion of certification forms shall not disclose the immigration status of a victim or person requesting the certification form, except to comply with federal law or State law, legal process, or if authorized, by the victim or person requesting the certification form.

(Source: P.A. 100-1115, eff. 1-1-19.)

(5 ILCS 825/11 new)

Sec. 11. Denials.

(a) If the certifying official cannot determine that the requester is a victim of a qualifying criminal activity, the certifying official shall provide written notice to the person or the person's representative explaining why the available evidence does not support a finding that the person is a victim of qualifying criminal activity. The certifying official shall submit the notice to the address provided in the request and shall provide contact information should the requester desire to appeal the decision. The certifying agency or certifying official shall accept all appeals and must respond to the appeals within 30 business days.

(b) Notwithstanding subsection (a), no requester is required to exhaust an administrative appeal under subsection (a) before filing a mandamus action or seeking other equitable relief in circuit court for a completed certification form required under Section 10.

(5 ILCS 825/20 new)

Sec. 20. Reporting requirements.

(a) In order to ensure compliance with this Act, starting on the effective date of this amendatory Act of the 102nd General Assembly, law enforcement agencies shall submit a report annually to the Attorney General. This report shall include the following information regarding any requests for completion of a certification form under Section 10 of this Act:

(1) the date of receipt of such request; and

(2) the date on which the law enforcement agency provided the completed certification form to the requester or provided written notice explaining why the available evidence does not support a finding that the requester is a victim of qualifying criminal activity.

If an agency receives no requests for completion of a certification form during a reporting period, the agency shall certify and report that it received no such requests.

(b) Law enforcement agencies shall not include names or other personally identifying information in any reports required under this Section.

(5 ILCS 825/25 new)

Sec. 25. Training. Each certifying agency shall arrange for regular training for officials designated under subsection (a) of Section 10 of this Act regarding all requirements of this Act.

(5 ILCS 825/30 new)

Sec. 30. Attorney General enforcement provisions. In order to ensure compliance with this Act:

(a) The Attorney General shall have authority to conduct investigations into violations of this Act. The Attorney General may:

(1) require a law enforcement agency, law enforcement official, or any other person or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;

(2) examine under oath any law enforcement official or any other person alleged to have participated in or with knowledge of the alleged violation; or

(3) issue subpoenas, obtain records, conduct hearings, or take any other actions in aid of any investigation. In the event a law enforcement agency, law enforcement official, or other person or entity fails to comply, in whole or in part, with a subpoena or other investigative request issued

pursuant to this paragraph, the Attorney General may compel compliance through an action in the circuit court.

(b) Upon his or her own information or upon the complaint of any person, the Attorney General may maintain an action for declaratory, injunctive or any other equitable relief in the circuit court against any law enforcement agency, law enforcement official, or other person or entity who violates any provision of this Act. These remedies are in addition to, and not in substitution for, other available remedies.

Section 97. Severability. If any provision of this Act or its application to any person or circumstances is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

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.

SENATE BILL RECALLED

On motion of Senator Murphy, **Senate Bill No. 147** was recalled from the order of third reading to the order of second reading.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 147

AMENDMENT NO. 1 . Amend Senate Bill 147 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 363 as follows:

(215 ILCS 5/363) (from Ch. 73, par. 975)

Sec. 363. Medicare supplement policies; minimum standards.

(1) Except as otherwise specifically provided therein, this Section and Section 363a of this Code shall apply to:

(a) all Medicare supplement policies and subscriber contracts delivered or issued for delivery in this State on and after January 1, 1989; and

(b) all certificates issued under group Medicare supplement policies or subscriber contracts, which certificates are issued or issued for delivery in this State on and after January 1, 1989.

This Section shall not apply to "Accident Only" or "Specified Disease" types of policies. The provisions of this Section are not intended to prohibit or apply to policies or health care benefit plans, including group conversion policies, provided to Medicare eligible persons, which policies or plans are not marketed or purported or held to be Medicare supplement policies or benefit plans.

(2) For the purposes of this Section and Section 363a, the following terms have the following meanings:

(a) "Applicant" means:

(i) in the case of individual Medicare supplement policy, the person who seeks to contract for insurance benefits, and

(ii) in the case of a group Medicare policy or subscriber contract, the proposed certificate holder.

(b) "Certificate" means any certificate delivered or issued for delivery in this State under a group Medicare supplement policy.

(c) "Medicare supplement policy" means an individual policy of accident and health insurance, as defined in paragraph (a) of subsection (2) of Section 355a of this Code, or a group policy or certificate delivered or issued for delivery in this State by an insurer, fraternal benefit society, voluntary health service plan, or health maintenance organization, other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act (42 U.S.C. Section 1395 et seq.) or

a policy issued under a demonstration project specified in 42 U.S.C. Section 1395ss(g)(1), or any similar organization, that is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare.

(d) "Issuer" includes insurance companies, fraternal benefit societies, voluntary health service plans, health maintenance organizations, or any other entity providing Medicare supplement insurance, unless the context clearly indicates otherwise.

(e) "Medicare" means the Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965.

(3) No Medicare supplement insurance policy, contract, or certificate, that provides benefits that duplicate benefits provided by Medicare, shall be issued or issued for delivery in this State after December 31, 1988. No such policy, contract, or certificate shall provide lesser benefits than those required under this Section or the existing Medicare Supplement Minimum Standards Regulation, except where duplication of Medicare benefits would result.

(4) Medicare supplement policies or certificates shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded directly to him or her in a timely manner if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

(5) A Medicare supplement policy or certificate may not deny a claim for losses incurred more than 6 months from the effective date of coverage for a preexisting condition. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

(6) An issuer of a Medicare supplement policy shall:

(a) not deny coverage to an applicant under 65 years of age who meets any of the following criteria:

(i) becomes eligible for Medicare by reason of disability if the person makes application for a Medicare supplement policy within 6 months of the first day on which the person enrolls for benefits under Medicare Part B; for a person who is retroactively enrolled in Medicare Part B due to a retroactive eligibility decision made by the Social Security Administration, the application must be submitted within a 6-month period beginning with the month in which the person received notice of retroactive eligibility to enroll;

(ii) has Medicare and an employer group health plan (either primary or secondary to Medicare) that terminates or ceases to provide all such supplemental health benefits;

(iii) is insured by a Medicare Advantage plan that includes a Health Maintenance Organization, a Preferred Provider Organization, and a Private Fee-For-Service or Medicare Select plan and the applicant moves out of the plan's service area; the insurer goes out of business, withdraws from the market, or has its Medicare contract terminated; or the plan violates its contract provisions or is misrepresented in its marketing; or

(iv) is insured by a Medicare supplement policy and the insurer goes out of business, withdraws from the market, or the insurance company or agents misrepresent the plan and the applicant is without coverage;

(b) make available to persons eligible for Medicare by reason of disability each type of Medicare supplement policy the issuer makes available to persons eligible for Medicare by reason of age;

(c) not charge individuals who become eligible for Medicare by reason of disability and who are under the age of 65 premium rates for any medical supplemental insurance benefit plan offered by the issuer that exceed the issuer's highest rate on the current rate schedule filed with the Division of Insurance for that plan to individuals who are age 65 or older; and

(d) provide the rights granted by items (a) through (d), for 6 months after the effective date of this amendatory Act of the 95th General Assembly, to any person who had enrolled for benefits under Medicare Part B prior to this amendatory Act of the 95th General Assembly who otherwise would have been eligible for coverage under item (a).

(7) The Director shall issue reasonable rules and regulations for the following purposes:

(a) To establish specific standards for policy provisions of Medicare policies and certificates. The standards shall be in accordance with the requirements of this Code. No requirement of this Code

relating to minimum required policy benefits, other than the minimum standards contained in this Section and Section 363a, shall apply to Medicare ~~medicare~~ supplement policies and certificates. The standards may cover, but are not limited to the following:

(A) Terms of renewability.

(B) Initial and subsequent terms of eligibility.

(C) Non-duplication of coverage.

(D) Probationary and elimination periods.

(E) Benefit limitations, exceptions and reductions.

(F) Requirements for replacement.

(G) Recurrent conditions.

(H) Definition of terms.

(I) Requirements for issuing rebates or credits to policyholders if the policy's loss ratio does not comply with subsection (7) of Section 363a.

(J) Uniform methodology for the calculating and reporting of loss ratio information.

(K) Assuring public access to loss ratio information of an issuer of Medicare supplement insurance.

(L) Establishing a process for approving or disapproving proposed premium increases.

(M) Establishing a policy for holding public hearings prior to approval of premium increases.

(N) Establishing standards for Medicare Select policies.

(O) Prohibited policy provisions not otherwise specifically authorized by statute that, in the opinion of the Director, are unjust, unfair, or unfairly discriminatory to any person insured or proposed for coverage under a medicare supplement policy or certificate.

(b) To establish minimum standards for benefits and claims payments, marketing practices, compensation arrangements, and reporting practices for Medicare supplement policies.

(c) To implement transitional requirements of Medicare supplement insurance benefits and premiums of Medicare supplement policies and certificates to conform to Medicare program revisions.

(8) If an individual is at least 65 years of age but no more than 75 years of age and has an existing Medicare supplement policy, the individual is entitled to an annual open enrollment period lasting 45 days, commencing with the individual's birthday, and the individual may purchase any Medicare supplement policy with the same issuer that offers benefits equal to or lesser than those provided by the previous coverage. During this open enrollment period, an issuer of a Medicare supplement policy shall not deny or condition the issuance or effectiveness of Medicare supplemental coverage, nor discriminate in the pricing of coverage, because of health status, claims experience, receipt of health care, or a medical condition of the individual. An issuer shall provide notice of this annual open enrollment period for eligible Medicare supplement policyholders at the time that the application is made for a Medicare supplement policy or certificate. The notice shall be in a form that may be prescribed by the Department.

(Source: P.A. 95-436, eff. 6-1-08.)

Section 99. Effective date. This Act takes effect on January 1, 2022.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Murphy, **Senate Bill No. 147** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Loughran Cappel, **Senate Bill No. 517** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Morrison, **Senate Bill No. 921** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was postponed in the Committee on State Government.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 921

AMENDMENT NO. 2 . Amend Senate Bill 921 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Emergency Management Agency Act is amended by adding Section 23 as follows:

(20 ILCS 3305/23 new)

Sec. 23. Access and Functional Needs Advisory Committee.

(a) In this Section, "Advisory Committee" means the Access and Functional Needs Advisory Committee.

(b) The Access and Functional Needs Advisory Committee is created.

(c) The Advisory Committee shall:

(1) Coordinate meetings occurring, at a minimum, 6 times each year, in addition to emergency meetings called by the chairperson of the Advisory Committee.

(2) Research and provide recommendations for identifying and effectively responding to the needs of persons with access and functional needs before, during, and after a disaster using an intersectional lens for equity.

(3) Provide recommendations to the Illinois Emergency Management Agency regarding how to ensure that persons with a disability are included in disaster strategies and emergency management plans, including updates and implementation of disaster strategies and emergency management plans.

(4) Review and provide recommendations for the Illinois Emergency Management Agency, and all relevant State agencies that are involved in drafting and implementing the Illinois Emergency Operation Plan, to integrate access and functional needs into the Illinois Emergency Operations Plan.

(d) The Advisory Committee shall be composed of the Director of the Illinois Emergency Management Agency or his or her designee, the Attorney General or his or her designee, the Secretary of Human Services or his or her designee, the Director on Aging or his or her designee, and the Director of Public Health or his or her designee, together with the following members appointed by the Governor on or before January 1, 2022:

(1) Two members, either from a municipal or county-level emergency agency or a local emergency management coordinator.

(2) Nine members from the community of persons with a disability who represent persons with different types of disabilities, including, but not limited to, individuals with mobility and physical disabilities, hearing and visual disabilities, deafness or who are hard of hearing, blindness or who have low vision, mental health disabilities, and intellectual or developmental disabilities. Members appointed under this paragraph shall reflect a diversity of age, gender, race, and ethnic background.

(3) Four members who represent first responders from different geographical regions around the State.

(e) Of those members appointed by the Governor, the initial appointments of 6 members shall be for terms of 2 years and the initial appointments of 5 members shall be for terms of 4 years. Thereafter, members shall be appointed for terms of 4 years. A member shall serve until his or her successor is appointed and qualified. If a vacancy occurs in the Advisory Committee membership, the vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(f) After all the members are appointed, and annually thereafter, they shall elect a chairperson from among the members appointed under paragraph (2) of subsection (d).

(g) The initial meeting of the Advisory Committee shall be convened by the Director of the Illinois Emergency Management Agency no later than February 1, 2022.

(h) Advisory Committee members shall serve without compensation.

(i) The Illinois Emergency Management Agency shall provide administrative support to the Advisory Committee.

(j) The Advisory Committee shall prepare and deliver a report to the General Assembly, the Governor's Office, and the Illinois Emergency Management Agency by July, 1 2022, and annually thereafter. The report shall include the following:

(1) Identification of core emergency management services that need to be updated or changed to ensure the needs of persons with a disability are met, and shall include disaster strategies in the Illinois Emergency Operation Plan.

(2) Any proposed changes in State policies, laws, rules, or regulations necessary to fulfill the purposes of this Act.

(3) Recommendations on improving the accessibility and effectiveness of disaster and emergency communication.

(4) Recommendations on comprehensive training for first responders and other frontline workers when working with persons with a disability during emergency situations or disasters, as defined in Section 4 of the Illinois Emergency Management Agency Act.

(5) Any additional recommendations regarding emergency management and persons with a disability that the Advisory Committee deems necessary.

(k) The annual report prepared and delivered under subsection (j) shall be annually considered by the Illinois Emergency Management Agency when developing new emergency plans or updating existing emergency plans for the State.

(l) The Advisory Committee is dissolved and this Section is repealed on January 1, 2032.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 3 was held in the Committee on State Government.

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 Morrison, **Senate Bill No. 921** 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:

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

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

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

SENATE BILL RECALLED

On motion of Senator Morrison, **Senate Bill No. 930** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 930

AMENDMENT NO. 1 . Amend Senate Bill 930 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 370c.2 as follows:

(215 ILCS 5/370c.2)

(Section scheduled to be repealed on December 31, 2021)

Sec. 370c.2. Task force on disability income insurance; parity for behavioral health conditions.

(a) As used in this Section, "behavioral health condition" means any mental, emotional, nervous, or substance use disorder or condition that falls under any of the diagnostic categories listed in the mental and behavioral disorders chapter of the current edition of the International Classification of Disease or that is listed in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders.

(b) The Department shall form a task force to review the plans and policies for individual and group short-term and long-term disability income insurance issued and offered to individuals and employers in this State in order to examine the use of such insurance for behavioral health conditions. The Task Force shall work cooperatively with the insurance industry, community organizations, businesses and business coalitions, and advocacy groups to reduce the stigma of behavioral health conditions. The task force shall be comprised of the following members:

(1) 2 representatives of the disability income insurance industry appointed by the Governor.

(2) 2 experts in the behavioral health conditions and treatment industry appointed by the Governor.

(3) 2 consumers of disability income insurance who have experienced or are experiencing a behavioral health condition appointed by the Governor.

(4) One member of the General Assembly appointed by the Speaker of the House of Representatives.

(5) One member of the General Assembly appointed by the President of the Senate.

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

(7) One member of the General Assembly appointed by the Minority Leader of the Senate.

(c) The task force shall elect a chairperson from its membership and shall have the authority to determine its meeting schedule, hearing schedule, and agendas.

(d) Appointments shall be made 90 days after the effective date of this amendatory Act of the 101st General Assembly.

(e) Members shall serve without compensation and shall be adults and residents of Illinois.

(f) The task force shall:

(1) review existing plans and policies for individual and group short-term and long-term disability income insurance issued, delivered, and offered in the State;

(2) compare coverage provided by short-term and long-term disability income insurance policies for behavioral health conditions with coverage provided by such policies for physical conditions and the reasons for differences in coverage;

(3) gather information on the cost of requiring individual and group short-term and long-term disability income insurance to cover behavioral health conditions at parity with physical conditions; and

(4) provide recommendations on the economic feasibility and cost effectiveness of requiring individual and group short-term and long-term disability income insurance to cover behavioral health conditions.

(g) Any of the findings, recommendations, and other information determined by the task force to be relevant shall be made available on the Department's website.

(h) The task force shall submit findings and recommendations to the Governor and the General Assembly by December 31, 2022 ~~2020~~.

(i) The task force is dissolved and this Section is repealed on January 1, 2023 ~~December 31, 2021~~. (Source: P.A. 101-332, eff. 8-9-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Morrison, **Senate Bill No. 930** 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:

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

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

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

SENATE BILL RECALLED

On motion of Senator Holmes, **Senate Bill No. 1672** was recalled from the order of third reading to the order of second reading.

Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 1672

AMENDMENT NO. 4 . Amend Senate Bill 1672, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 143.10d as follows:
(215 ILCS 5/143.10d new)
Sec. 143.10d. Claim information for a dog-related incident.

(a) An insurance company offering homeowner's insurance coverage or renter's insurance coverage that issues a policy or contract insuring against liability for injury to a person or injury to or destruction of property arising out of the ownership, lease, or rental of residential property shall, to the best of their ability, for any claim involving a dog-related incident, record circumstances relating to the incident, including, but not limited to:

(1) the breed of dog, and, if the breed was made by visual identification, who made the identification: the adjuster, the owner, or the insured;

(2) where the owner or insured obtained the dog from: a pet store, a breeder, an animal shelter or rescue, a friend or acquaintance, or found the dog as a stray;

(3) the sex of the dog and whether the dog was spayed or neutered;

(4) whether the person injured by the dog was observed engaging in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog;

(5) the type of injury sustained by the victim, such as a bite or fall;

(6) whether the incident occurred on the insured's property or another location; and

(7) any obedience training or previous claims or past complaints against the dog.

(b) This information shall be collected for a 2-year period beginning on January 1, 2022 and shall be reported annually to the Department. The Department shall make the information available on the Department's website by July 1, 2023 and shall update the information each July 1 through July 1, 2024. The information or data collected by the Department shall not be released or published in any way that violates the confidentiality or proprietary status or nature of the data.".

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 Holmes, **Senate Bill No. 1672** 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:

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

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

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

SENATE BILL RECALLED

On motion of Senator Bush, **Senate Bill No. 1747** was recalled from the order of third reading to the order of second reading.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1747

AMENDMENT NO. 2 . Amend Senate Bill 1747 by replacing everything after the enacting clause with the following:

"Article 1. Illinois Energy Transition Zone Act

Section 1-1. Short title. This Article may be cited as the Illinois Energy Transition Zone Act. References in this Article to "this Act" mean this Article.

Section 1-5. Findings. The General Assembly finds and declares that the health, safety, and welfare of the people of this State are dependent upon a healthy economy and vibrant communities; that the closure of coal energy plants, coal mines, and nuclear energy plants across the state are detrimental to maintaining a healthy economy and vibrant communities; that the expansion of green energy creates significant job growth and contributes significantly to the health, safety, and welfare of the people of this State; that the continual encouragement, development, growth and expansion of green energy within the State requires a cooperative and continuous partnership between government and the green energy sector; and that there are certain depressed areas in this State that have lost jobs due to the closure of coal energy plants, coal mines, and nuclear energy plants and need the particular attention of government, labor and the citizens of Illinois to help attract green energy investment into these areas and directly aid the local community and its residents. Therefore, it is declared to be the purpose of this Act to explore ways of stimulating the growth of green energy in the State and to foster job growth in areas depressed by the closure of coal energy plants, coal mines and nuclear energy plants.

Section 1-10. Definitions. As used in this Act, unless the context otherwise requires:

"Agency" means a "State agency", as defined in Section 1-7 of the Illinois State Auditing Act.

"Board" means the Energy Transition Zone Board created in Section 1-45.

"Department" means the Department of Commerce and Economic Opportunity.

"Depressed area" means an area in which pervasive poverty, unemployment, and economic distress exist.

"Energy Transition Zone" means an area of the State certified by the Department as an Energy Transition Zone pursuant to this Act.

"Full-time equivalent job" means a job in which the new employee works for the recipient or for a corporation under contract to the recipient at a rate of at least 35 hours per week for a wage that meets or exceeds the prevailing wage for the locality in which the work is performed, as determined under Section 4 of the Prevailing Wage Act. A recipient who employs labor or services at a specific site or facility under contract with another may declare one full-time, permanent job for every 1,820 man hours worked per year under that contract. Vacations, paid holidays, and sick time are included in this computation. Overtime is not considered a part of regular hours.

"Full-time retained job" means any employee defined as having a full-time or full-time equivalent job preserved at a specific facility or site, the continuance of which is threatened by a specific and demonstrable threat, which shall be specified in the application for development assistance. A recipient who employs labor or services at a specific site or facility under contract with another may declare one retained employee per year for every 1,750 man hours worked per year under that contract, even if different individuals perform on-site labor or services.

"Green energy enterprise" means a company that is engaged in the production of solar energy, wind energy, water energy, geothermal energy, bioenergy, or hydrogen fuel and cells.

"Green energy project" means a project conducted by a green energy enterprise for the purpose of generating solar energy, wind energy, water energy, geothermal energy, bioenergy, or hydrogen fuel and cells.

"Local labor market area" means an economically integrated area within which individuals can reside and find employment within a reasonable distance or can readily change jobs without changing their place of residence.

"Rule" has the meaning provided in Section 1-70 of the Illinois Administrative Procedure Act.

Section 1-15. Qualifications for Energy Transition Zones. An area is qualified to become an Energy Transition Zone which:

(1) is a contiguous area, provided that a Zone area may exclude wholly surrounded territory within its boundaries;

(2) comprises a minimum of one-half square mile and not more than 12 square miles, exclusive of lakes and waterways;

(3) is entirely within a single municipality;

(4) satisfies any additional criteria established by the Department consistent with the purposes of this Act; and

(5) meets one or more of the following:

(A) the area contains a coal energy plant that was retired from service within 10 years of application for designation;

(B) the area contains a coal mine that was closed within 10 years of application for designation;

(C) the area contains a nuclear energy plant that was retired from service within 10 years of application for designation; or

(D) the area contains a nuclear plant that was decommissioned but continued storing nuclear waste prior to the effective date of this Act.

Section 1-20. Entities eligible to receive tax benefits. Green energy enterprises are eligible to receive certain tax benefits under this Act for green energy projects conducted within an Energy Transition Zone.

Section 1-25. Incentives for green energy enterprises located within an Energy Transition Zone.

(a) Green energy enterprises located in Energy Transition Zones are eligible to apply for a State income tax credit under the Energy Transition Zone Tax Credit Act.

(b) Green energy enterprises located in Energy Transition Zones will be eligible to receive an investment credit subject to the requirements of Section 232 of the Illinois Income Tax Act.

(c) Green energy enterprises are eligible to purchase building materials exempt from use and occupation taxes to be incorporated into their green energy projects within the Energy Transition Zone when purchased from a retailer within the Energy Transition Zone pursuant to Section 5k-1 of the Retailers' Occupation Tax Act.

(d) Green energy enterprises located in an Energy Transition Zone that meet the qualifications of Section 9-222.1B of the Illinois Public Utilities Act are exempt, in part or whole, from State and local taxes on gas and electricity.

Section 1-30. Initiation of Energy Transition Zones by municipality or county.

(a) No area may be designated as an Energy Transition Zone except pursuant to an initiating ordinance adopted in accordance with this Section.

(b) A municipality may by ordinance designate an area within its jurisdiction as an Energy Transition Zone, subject to the certification of the Department in accordance with this Act, if:

(1) the area is qualified in accordance with Section 1-15; and

(2) the municipality has conducted at least one public hearing within the proposed Zone area considering all of the following questions: whether to create the Zone; what local plans, tax incentives and other programs should be established in connection with the Zone; and what the boundaries of the Zone should be; public notice of the hearing shall be published in at least one newspaper of general circulation within the Zone area, not more than 20 days nor less than 5 days before the hearing.

(c) An ordinance designating an area as an Energy Transition Zone shall set forth:

(1) a precise description of the area comprising the Zone, either in the form of a legal description or by reference to roadways, lakes and waterways, and township, county boundaries;

(2) a finding that the Zone area meets the qualifications of Section 1-15;

(3) provisions for any tax incentives or reimbursement for taxes, which pursuant to State and federal law apply to green energy enterprises within the Zone at the election of the designating municipality, and which are not applicable throughout the municipality;

(4) a designation of the area as an Energy Transition Zone, subject to the approval of the Department in accordance with this Act; and

(5) the duration or term of the Energy Transition Zone.

(d) This Section does not prohibit a municipality from extending additional tax incentives or reimbursement for business enterprises in Energy Transition Zones or throughout their territory by separate ordinance.

Section 1-35. Application to Department. A municipality that has adopted an ordinance designating an area as an Energy Transition Zone shall make written application to the Department to have such proposed Energy Transition Zone certified by the Department as an Energy Transition Zone. The application shall include:

(1) a certified copy of the ordinance designating the proposed Zone;

(2) a map of the proposed Energy Transition Zone, showing existing streets and highways;

(3) an analysis, and any appropriate supporting documents and statistics, demonstrating that the proposed Zone area is qualified in accordance with Section 1-15;

(4) a statement detailing any tax, grant, and other financial incentives or benefits, and any programs, to be provided by the municipality or county to green energy enterprises within the Zone, other than those provided in the designating ordinance, which are not to be provided throughout the municipality or county;

(5) a statement setting forth the economic development and planning objectives for the Zone;

(6) an estimate of the economic impact of the Zone, considering all of the tax incentives, financial benefits and programs contemplated, upon the revenues of the municipality or county;

(7) a transcript of all public hearings on the Zone; and

(8) such additional information as the Department may by rule require.

Section 1-40. Department review of Energy Transition Zone applications.

(a) All applications that are to be considered and acted upon by the Department during a calendar year must be received by the Department no later than December 31 of the preceding calendar year.

Any application received after December 31 of any calendar year shall be held by the Department for consideration and action during the following calendar year. Each Energy Transition Zone application shall include a specific definition of the applicant's local labor market area.

(a-5) The Department shall, no later than July 31, develop an application process for an Energy Transition Zone application. The Department has emergency rulemaking authority for the purpose of application development only until 12 months after the effective date of this Act under subsection (ee) of Section 5-45 of the Illinois Administrative Procedure Act.

(b) Upon receipt of an application from a municipality, the Department shall review the application to determine whether the designated area qualifies as an Energy Transition Zone under Section 1-15 of this Act.

(c) No later than June 30, the Department shall notify all applicant municipalities of the Department's determination of the qualification of their respective designated energy transition Zone areas, along with supporting documentation of the basis for the Department's decision.

(d) If any such designated area is found to be qualified to be an Energy Transition Zone by the Department under subsection (c) of this Section, the Department shall, no later than July 15, send a letter of notification to each member of the General Assembly whose legislative district or representative district contains all or part of the designated area and publish a notice in at least one newspaper of general circulation within the proposed Zone area to notify the general public of the application and their opportunity to comment. Such notice shall include a description of the area and a brief summary of the application and shall indicate locations where the applicant has provided copies of the application for public inspection. The notice shall also indicate appropriate procedures for the filing of written comments from Zone residents, business, civic and other organizations and property owners to the Department.

Section 1-45. Energy Transition Zone Board.

(a) An Energy Transition Zone Board is hereby created within the Department.

(b) The Board shall consist of the following 5 members:

(1) the Director of Commerce and Economic Opportunity, or his or her designee, who shall serve as chairperson;

(2) the Director of Revenue, or his or her designee; and

(3) 3 members appointed by the Governor, with the advice and consent of the Senate.

Board members shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their duties from funds appropriated for that purpose.

(c) Each member appointed under paragraph (3) of subsection (b) shall have at least 5 years of experience in business, economic development, or site location.

(d) Of the initial members appointed under paragraph (3) of subsection (b): one member shall serve for a term of 2 years; one member shall serve for a term of 3 years; and one member shall serve for a term of 4 years. Thereafter, all members appointed under paragraph (3) of subsection (b) shall serve for terms of 4 years. Members appointed under paragraph (3) of subsection (b) may be reappointed. The Governor may remove a member appointed under paragraph (3) of subsection (b) for incompetence, neglect of duty, or malfeasance in office.

(e) By September 30, all applications filed by December 31 of the preceding calendar year and deemed qualified by the Department shall be approved or denied by the Board. If such application is not approved by September 30, the application shall be considered denied. If an application is denied, the Board shall inform the applicant of the specific reasons for the denial.

(f) A majority of the Board shall determine whether an application is approved or denied.

Section 1-50. Certification of Energy Transition Zones; effective date.

(a) Certification of Board-approved designated Energy Transition Zones shall be made by the Department by certification of the designating ordinance. The Department shall promptly issue a certificate for each Energy Transition Zone upon approval by the Board. The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto, and shall be filed in the office of the Secretary of State. A certified copy of the Energy Transition Zone Certificate, or a duplicate original thereof, shall be recorded in the office of recorder of deeds of the county in which the Energy Transition Zone lies.

(b) An Energy Transition Zone shall be effective on the date of the Department's certification. The Department shall transmit a copy of the certification to the Department of Revenue, and to the designating municipality.

(c) Upon certification of an Energy Transition Zone, the terms and provisions of the designating ordinance shall be in effect, and may not be amended or repealed except in accordance with Section 1-55.

(d) Energy Transition Zone designation will last for 13 years from the effective date of such designation and shall be subject to review by the Board after 13 years for an additional 10-year designation beginning on the expiration date of the Energy Transition Zone. During the review process, the Board shall consider the costs incurred by the State and units of local government as a result of tax benefits received by the Energy Transition Zone. Energy Transition Zones shall terminate at midnight of December 31 of the final calendar year of the certified term, except as provided in Section 1-55.

(e) Each Energy Transition Zone that reapplies for certification but does not receive a new certification shall expire on its scheduled termination date.

Section 1-55. Amendment and decertification of Energy Transition Zones.

(a) The terms of a certified Energy Transition Zone designating ordinance may be amended to:

(1) alter the boundaries of the Energy Transition Zone;

(2) expand, limit, or repeal tax incentives or benefits provided in the ordinance;

(3) alter the termination date of the Zone;

(4) make technical corrections in the Energy Transition Zone designating ordinance; but such amendment shall not be effective unless the Department issues an amended certificate for the Energy Transition Zone approving the amended designating ordinance. Upon the adoption of any ordinance amending or repealing the terms of a certified Energy Transition Zone designating ordinance, the municipality or county shall promptly file with the Department an application for approval thereof,

containing substantially the same information as required for an application under Section 1-35 insofar as material to the proposed changes. The municipality or county must hold a public hearing on the proposed changes; or

(5) include an area within another municipality or county as part of the designated Energy Transition Zone provided the requirements of Section 1-15 are complied with.

(b) The Department shall approve or disapprove a proposed amendment to a certified Energy Transition Zone within 90 days of its receipt of the application from the municipality. The Department may not approve changes in a Zone which are not in conformity with this Act, as now or hereafter amended, or with other applicable laws. If the Department issues an amended certificate for an Energy Transition Zone, the amended certificate, together with the amended Zone designating ordinance, shall be filed, recorded, and transmitted as provided in this Act.

(c) An Energy Transition Zone may be decertified by joint action of the Department and the designating municipality in accordance with this Section. The designating municipality shall conduct at least one public hearing within the Zone prior to its adoption of an ordinance of de-designation. The mayor of the designating municipality shall execute a joint decertification agreement with the Department. A decertification of an Energy Transition Zone shall not become effective until at least 6 months after the execution of the decertification agreement, which shall be filed in the office of the Secretary of State.

(d) An Energy Transition Zone may be decertified for cause by the Department in accordance with this Section. Prior to decertification: (1) the Department shall notify the chief elected official of the designating municipality in writing of the specific deficiencies which provide cause for decertification; (2) the Department shall place the designating municipality on probationary status for at least 6 months during which time corrective action may be achieved in the Energy Transition Zone by the designating municipality; and (3) the Department shall conduct at least one public hearing within the Zone. If such corrective action is not achieved during the probationary period, the Department shall issue an amended certificate signed by the Director of the Department decertifying the Energy Transition Zone, which certificate shall be filed in the office of the Secretary of State. A certified copy of the amended Energy Transition Zone certificate, or a duplicate original thereof, shall be recorded in the office of recorder of the county in which the Energy Transition Zone lies, and shall be provided to the chief elected official of the designating municipality. Decertification of an Energy Transition Zone shall not become effective until 60 days after the date of filing.

(e) In the event of a decertification, an amendment reducing the length of the term or the area of an Energy Transition Zone, or the adoption of an ordinance reducing or eliminating tax benefits in an Energy Transition Zone, all benefits previously extended within the Zone pursuant to this Act or pursuant to any other Illinois law providing benefits specifically to or within Energy Transition Zones shall remain in effect for the original stated term of the Energy Transition Zone, with respect to green energy enterprises within the Zone on the effective date of such decertification or amendment.

Section 1-60. Powers and duties of Department.

(a) The Department shall administer this Act and shall have the following powers and duties:

(1) to monitor the implementation of this Act and submit reports evaluating the effectiveness of the program and any suggestions for legislation to the Governor and General Assembly by October 1 of every year preceding a regular Session of the General Assembly and to annually report to the General Assembly initial and current population, employment, per capita income, number of business establishments, dollar value of new construction and improvements, and the aggregate value of each tax incentive, based on information provided by the Department of Revenue for each Energy Transition Zone; and

(2) to adopt all necessary rules to carry out the purposes of this Act in accordance with the Illinois Administrative Procedure Act.

(b) The Department shall have all of the following specific duties:

(1) The Department shall provide information and appropriate assistance to persons desiring to locate and engage in business in an Energy Transition Zone and to persons engaged in green energy in an Energy Transition Zone.

(2) The Department shall, in cooperation with appropriate units of local government and State agencies, coordinate and streamline existing State business assistance programs and permit and license application procedures for Energy Transition Zone green energy enterprises.

(3) The Department shall publicize existing tax incentives and economic development programs within the Zone and upon request, offer technical assistance in abatement and alternative revenue source development to local units of government which have Energy Transition Zones within their jurisdiction.

(4) The Department shall work together with the responsible State and federal agencies to promote the coordination of other relevant programs, including but not limited to housing, community and economic development, small business, banking, financial assistance, and employment training programs which are carried on in an Energy Transition Zone.

(5) In order to stimulate employment opportunities for Zone residents, the Department, in cooperation with the Department of Human Services and the Department of Employment Security, is to initiate a test of the following 2 programs within the 12-month period following designation and approval by the Department of the first Energy Transition Zones: (i) the use of aid to families with dependent children benefits payable under Article IV of the Illinois Public Aid Code, General Assistance benefits payable under Article VI of the Illinois Public Aid Code, the unemployment insurance benefits payable under the Unemployment Insurance Act as training or employment subsidies leading to unsubsidized employment; and (ii) a program for voucher reimbursement of the cost of training Zone residents eligible under the Targeted Jobs Tax Credit provisions of the Internal Revenue Code for employment in private industry. These programs shall not be designed to subsidize businesses, but are intended to open up job and training opportunities not otherwise available. Nothing in this paragraph (5) shall be deemed to require Zone businesses to utilize these programs. These programs should be designed (i) for those individuals whose opportunities for job-finding are minimal without program participation, (ii) to minimize the period of benefit collection by such individuals, and (iii) to accelerate the transition of those individuals to unsubsidized employment. The Department is to seek agreement with business, organized labor, and the appropriate State Departments and agencies on the design, operation, and evaluation of the test programs.

(c) A report with recommendations including representative comments of these groups shall be submitted by the Department to the county or municipality that designated the area as an Energy Transition Zone, the Governor, and the General Assembly not later than 12 months after such test programs have commenced, or not later than 3 months following the termination of such test programs, whichever first occurs.

Section 1-65. State incentives regarding public services and physical infrastructure.

(a) This Act does not restrict tax incentive financing pursuant to the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code.

(b) The State Treasurer is authorized and encouraged to place deposits of State funds with financial institutions doing business in an Energy Transition Zone.

Section 1-70. Zone administration. The administration of an Energy Transition Zone shall be under the jurisdiction of the designating municipality. Each designating municipality shall, by ordinance, designate a Zone Administrator for the certified Zones within its jurisdiction. A Zone Administrator must be an officer or employee of the municipality. The Zone Administrator shall be the liaison between the designating municipality, the Department, and any designated Zone organizations within zones under his jurisdiction.

Section 1-75. Accounting.

(a) Any business receiving tax incentives due to its location within an Energy Transition Zone must annually report to the Department of Revenue information reasonably required by the Department of Revenue to enable the Department to verify and calculate the total Energy Transition Zone tax benefits for property taxes and taxes imposed by the State that are received by the business, broken down by incentive category and Energy Transition Zone, if applicable. Reports are due no later than May 31 of each year and shall cover the previous calendar year. The first report will be for the 2022 calendar year and is due no later than May 31, 2023.

(b) Green energy enterprises shall report their job creation, retention, and capital investment numbers within the Zone annually to the Department of Revenue no later than May 31 of each calendar year.

(c) The Department of Revenue shall aggregate and collect the tax, job, and capital investment data by Energy Transition Zone and report this information, formatted to exclude company-specific proprietary

information, to the Department and the Board by August 1, 2023, and by August 1 of every calendar year thereafter. The Department shall include this information in their required reports under this Act.

(d) The Department of Revenue, in its discretion, may require that the reports filed under this Section be submitted electronically.

(e) The Department of Revenue shall have the authority to adopt rules as are reasonable and necessary to implement the provisions of this Section.

Section 1-80. Zone Administrator.

(a) Each Zone Administrator shall post a copy of the boundaries of the Energy Transition Zone on its official Internet website and shall provide an electronic copy to the Department. The Department shall post each copy of the boundaries of an Energy Transition Zone that it receives from a Zone Administrator on its official Internet website.

(b) The Zone Administrator shall collect and aggregate the following information:

(1) the estimated cost of each building project, broken down into labor and materials; and

(2) within 60 days after the end of the project, the estimated cost of each building project, broken down into labor and materials.

(c) By April 1 of each year, each Zone Administrator shall file a copy of its fee schedule with the Department, and the Department shall post the fee schedule on its website. Zone Administrators shall charge no more than 0.5% of the cost of building materials of the project associated with the specific Energy Transition Zone, with a maximum fee of no more than $50,000.

Section 1-85. State regulatory exemptions in Energy Transition Zones.

(a) The Department shall conduct an ongoing review of such agency rules as may be identified by the Department or representatives of designating municipalities and counties as green energy enterprises and preliminarily appearing to the Department to:

(1) affect the conduct of business, industry and commerce;

(2) impose excessive costs on either the creation or conduct of such enterprises; and

(3) inhibit the development and expansions of enterprises within Energy Transition Zones.

The Department shall conduct hearings, pursuant to public notice, to solicit public comment on such identified rules as part of this review process.

(b) No later than August 1 of each calendar year, the Department shall publish in the Illinois Register a list of such rules identified pursuant to subsection (a). The Department shall transmit a copy of the list to each agency which has adopted rules on the list.

(c) Within 90 days of the publication of the list by the Department, each agency which adopted rules identified therein shall file a written report with the Department detailing for each identified rule:

(1) the need or justification;

(2) whether the rule is mandated by State or federal law, or is discretionary, and to what extent;

(3) a synopsis of the history of the rule, including any internal agency review after its original adoption; and

(4) any appropriate explanation of its relationship to other regulatory requirements.

The agency that adopted the rules shall also include any available data, analysis and studies concerning the economic impact of the identified rules. The agency responses shall be public records.

(d) No later than January 1 of the following calendar year, the Department shall file proposed rules exempting green energy enterprises within Energy Transition Zones from those agency rules contained in the published list, for which the Department finds that the job creation or business development incentives for Energy Transition Zone development engendered by the exemption outweigh the need and justification for the rule. In making its findings, the Department shall consider all information, data, and opinions submitted to it by the public, as well as by adopting agencies, as well as information otherwise available to it.

(e) The proposed rules adopted by the Department shall be in the form of amendments to the existing rules to be affected, and shall be subject to the Illinois Administrative Procedure Act.

(f) Upon its effective date, any exempting rule of the Department shall supersede the exempted agency rule in accordance with the terms of the exemption. Such exemptions may apply only to green energy enterprises within Energy Transition Zones during the effective term of the respective Zones. Agencies may not adopt emergency rules to circumvent an exemption affected by a Department exemption

rule; any such emergency rules shall not be effective within Energy Transition Zones to the extent inconsistent with the terms of such an exemption.

Section 1-90. State and local regulatory alternatives.

(a) Agencies may provide in their rules for:

(1) the exemption of green energy enterprises within Energy Transition Zones; or

(2) modifications or alternatives specifically applicable to green energy enterprises within Energy Transition Zones, which impose less stringent standards or alternative standards for compliance (including, but not limited to, performance-based standards as a substitute for specific mandates of methods, procedures or equipment).

Such exemptions, modifications, or alternatives shall become effective by rule adopted in accordance with the Illinois Administrative Procedure Act. The Agency adopting such exemptions, modifications or alternatives shall file with its proposed rule its findings that the proposed rule provides economic incentives within Energy Transition Zones which promote the purposes of this Act, and which, to the extent they include any exemptions or reductions in regulatory standards or requirements, outweigh the need or justification for the existing rule.

(b) If any agency adopts a rule pursuant to paragraph (a) affecting a rule contained on the list published by the Department, prior to the completion of the rulemaking process for the Department's rules under that Section, the agency shall immediately transmit a copy of its proposed rule to the Department, together with a statement of reasons as to why the Department should defer to the agency's proposed rule. Agency rules adopted under subsection (a) shall, however, be subject to the exemption rules adopted by the Department.

(c) Within Energy Transition Zones, the designating municipality may modify all local ordinances and regulations regarding (i) zoning; (ii) licensing; (iii) building codes, excluding however, any regulations treating building defects; or (iv) price controls (except for the minimum wage). Notwithstanding any shorter statute of limitation to the contrary, actions against any contractor or architect who designs, constructs or rehabilitates a building or structure in an Energy Transition Zone in accordance with local standards specifically applicable within Zones which have been relaxed may be commenced within 10 years from the time of beneficial occupancy of the building or use of the structure.

Section 1-95. Exemptions from regulatory relaxation. Sections 1-85 and 1-90 do not apply to rules adopted pursuant to:

(1) the Environmental Protection Act;

(2) the Illinois Historic Preservation Act;

(3) the Illinois Human Rights Act;

(4) any successor Acts to any of the foregoing; or

(5) any other Acts whose purpose is the protection of the environment, the preservation of historic places and landmarks, or the protection of persons against discrimination on the basis of race, color, religion, sex, marital status, national origin, or physical or mental disability.

(b) No exemption, modification, or alternative to any agency rule shall be effective which:

(1) presents a significant risk to the health or safety of persons resident in or employed within an Energy Transition Zone;

(2) would conflict with federal law such that the State, or any unit of local government or school district, or any area of the State other than Energy Transition Zones, or any business enterprise located outside of an Energy Transition Zone would be disqualified from a federal program or from federal tax or other benefits;

(3) would suspend or modify an agency rule mandated by law; or

(4) would eliminate or reduce benefits to individuals who are residents of or employed within a Zone.

Section 1-100. Business notifications. Any business located within the Energy Transition Zone which has received tax credits or exemptions, regulatory relief or any other benefits under this Act shall notify the Department and the county and municipal officials in which the Energy Transition Zone is located within 60 days of the cessation of any business operations conducted within the Energy Transition Zone. The Department shall adopt rules to carry out this Section.

Article 5. Energy Transition Tax Credit Act

Section 5-1. Short title. This Article may be cited as the Energy Transition Tax Credit Act. References in this Article to "this Act" mean this Article.

Section 5-5. Purpose. The General Assembly finds and declares that the health, safety, and welfare of the people of this State are dependent upon a healthy economy and vibrant communities; that the closure of coal plants, coal mines, and nuclear energy plants across the states are detrimental to maintaining a healthy economy and vibrant communities; that the expansion of green energy creates significant job growth and contributes significantly to the health, safety, and welfare of the people of this State; that the continual encouragement, development, growth and expansion of green energy within the State requires a cooperative and continuous partnership between government and the green energy sector; and that there are certain depressed areas in this State that have lost jobs due to the closure of coal plants, coal mines, and nuclear energy plants and need the particular attention of government, labor and the citizens of Illinois to help attract green energy investment into these areas and directly aid the local community and its residents. Therefore, it is declared to be the purpose of this Act, in conjunction with the Energy Transition Zone Act, to provide green energy enterprises an incentive to stimulate the growth of green energy in the State and to foster job growth in areas depressed by the closure of coal plants, coal mines, and nuclear energy plants.

Section 5-10. Definitions. As used in this Act:

"Agreement" means the Agreement between a Taxpayer and the Department under the provisions of Section 5-55 of this Act.

"Applicant" means a Taxpayer operating a green energy enterprise, as determined by the Energy Transition Zone Act, located within or that the green energy enterprise plans to locate within an Energy Transition Zone. "Applicant" does not include a Taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to a location in an Energy Transition Zone. This does not prohibit a Taxpayer from expanding its operations at a location in an Energy Transition Zone, provided that existing operations of a similar nature located within the State are not closed or substantially reduced. This also does not prohibit a Taxpayer from moving its operations from one location in the State to an Energy Transition Zone for the purpose of expanding the operation provided that the Department determines that expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located, after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county.

"Committee" means the Energy Transition Investment Committee created under Section 5-25 of this Act within the Illinois Economic Development Board.

"Credit" means the amount agreed to between the Department and the Applicant under this Act, but not to exceed the lesser of: (1) the sum of (i) 50% of the Incremental Income Tax attributable to New Employees at the Applicant's project and (ii) 10% of the training costs of New Employees; or (2) 100% of the Incremental Income Tax attributable to New Employees at the Applicant's project. However, if the project is located in an underserved area, then the amount of the Credit may not exceed the lesser of: (1) the sum of (i) 75% of the Incremental Income Tax attributable to New Employees at the Applicant's project and (ii) 10% of the training costs of New Employees; or (2) 100% of the Incremental Income Tax attributable to New Employees at the Applicant's project. If an Applicant agrees to hire the required number of New Employees, then the maximum amount of the Credit for that Applicant may be increased by an amount not to exceed 25% of the Incremental Income Tax attributable to retained employees at the Applicant's project; provided that, in order to receive the increase for retained employees, the Applicant must provide the additional evidence required under paragraph (3) of subsection (b) of Section 5-30.

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of Commerce and Economic Opportunity.

"Full-time Employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. An individual for whom a W-2 is issued by a Professional Employer Organization (PEO) is a full-time employee if employed in the service of the Applicant for consideration for at least 35

hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment to Applicant.

"Green energy" means solar energy, wind energy, water energy, geothermal energy, bioenergy, or hydrogen fuel and cells.

"Green energy production facility" means a facility owned by a green energy enterprise (as defined in the Illinois Energy Transition Zone Act) that is used in the production of solar energy, wind energy, water energy, geothermal energy, bioenergy, or hydrogen fuel and cells."Incremental Income Tax" means the total amount withheld during the taxable year from the compensation of New Employees and, if applicable, retained employees under Article 7 of the Illinois Income Tax Act arising from employment at a project that is the subject of an Agreement.

"New Employee" means a full-time employee first employed by a taxpayer in the project that is the subject of an agreement and who is hired after the taxpayer enters into the agreement. The term "New Employee" does not include:

(1) an employee of the Taxpayer who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;

(2) an employee of the Taxpayer who was previously employed in Illinois by a Related Member of the Taxpayer and whose employment was shifted to the Taxpayer after the Taxpayer entered into the Agreement; or

(3) a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the taxpayer.

Notwithstanding any other provisions of this Section, an employee may be considered a New Employee under the Agreement if the employee performs a job that was previously performed by an employee who was:

(1) treated under the Agreement as a New Employee; and

(2) promoted by the Taxpayer to another job.

Notwithstanding any other provisions of this Section, the Department may award a Credit to an Applicant with respect to an employee hired prior to the date of the Agreement if:

(1) the Applicant is in receipt of a letter from the Department stating an intent to enter into a credit Agreement;

(2) the letter described in paragraph (1) is issued by the Department not later than 15 days after the effective date of this Act; and

(3) the employee was hired after the date the letter described in paragraph (1) was issued.

"Noncompliance Date" means, in the case of a Taxpayer that is not complying with the requirements of the Agreement or the provisions of this Act, the day following the last date upon which the Taxpayer was in compliance with the requirements of the Agreement and the provisions of this Act, as determined by the Director, pursuant to Section 5-75.

"Pass through entity" means an entity that is exempt from the tax under subsection (b) or (c) of Section 205 of the Illinois Income Tax Act.

"Related Member" means a person that, with respect to the Taxpayer during any portion of the taxable year, is any one of the following:

(1) An individual stockholder, if the stockholder and the members of the stockholder's family (as defined in Section 318 of the Internal Revenue Code) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the Taxpayer's outstanding stock.

(2) A partnership, estate, or trust and any partner or beneficiary, if the partnership, estate, or trust, and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock, or value of the Taxpayer.

(3) A corporation, and any party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the Taxpayer owns directly, indirectly, beneficially, or constructively at least 50% of the value of the corporation's outstanding stock.

(4) A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the corporation and all such related parties own in the aggregate at least 50% of the profits, capital, stock, or value of the Taxpayer.

(5) A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code, except, for purposes of determining whether a person is a Related Member under this paragraph, 20% shall be substituted for 5% wherever 5% appears in Section 1563(e) of the Internal Revenue Code.

"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois income tax liability.

"Underserved area" means a geographic area that meets one or more of the following conditions:

(1) the area has a poverty rate of at least 20% according to the latest federal decennial census;

(2) 75% or more of the children in the area participate in the federal free lunch program according to reported statistics from the State Board of Education;

(3) at least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program (SNAP); or

(4) the area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the U.S. Department of Labor, for a period of at least 2 consecutive calendar years preceding the date of the application.

Section 5-15. Powers of the Department. The Department, in addition to those powers granted under the Civil Administrative Code of Illinois, is granted and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but not limited to, power and authority to:

(1) Adopt rules deemed necessary and appropriate for the administration of the programs; establish forms for applications, notifications, contracts, or any other agreements; and accept applications at any time during the year.

(2) Provide and assist Taxpayers pursuant to the provisions of this Act, and cooperate with Taxpayers that are parties to Agreements to promote, foster, and support economic development, capital investment, and job creation or retention within the Energy Transition Zone.

(c) Enter into agreements and memoranda of understanding for participation of and engage in cooperation with agencies of the federal government, local units of government, universities, research foundations or institutions, regional economic development corporations, or other organizations for the purposes of this Act.

(4) Gather information and conduct inquiries, in the manner and by the methods as it deems desirable, including without limitation, gathering information with respect to Applicants for the purpose of making any designations or certifications necessary or desirable or to gather information to assist the Committee with any recommendation or guidance in the furtherance of the purposes of this Act.

(5) Establish, negotiate and effectuate any term, agreement or other document with any person, necessary or appropriate to accomplish the purposes of this Act; and to consent, subject to the provisions of any Agreement with another party, to the modification or restructuring of any Agreement to which the Department is a party.

(6) Fix, determine, charge, and collect any premiums, fees, charges, costs, and expenses from Applicants, including, without limitation, any application fees, commitment fees, program fees, financing charges, or publication fees as deemed appropriate to pay expenses necessary or incident to the administration, staffing, or operation in connection with the Department's or Committee's activities under this Act, or for preparation, implementation, and enforcement of the terms of the Agreement, or for consultation, advisory and legal fees, and other costs; however, all fees and expenses incident thereto shall be the responsibility of the Applicant.

(7) Provide for sufficient personnel to permit administration, staffing, operation, and related support required to adequately discharge its duties and responsibilities described in this Act from funds made available through charges to Applicants or from funds as may be appropriated by the General Assembly for the administration of this Act.

(8) Require Applicants, upon written request, to issue any necessary authorization to the appropriate federal, state, or local authority for the release of information concerning a project being considered under the provisions of this Act, with the information requested to include, but not be limited to, financial reports, returns, or records relating to the Taxpayer or its project.

(9) Require that a Taxpayer shall at all times keep proper books of record and account in accordance with generally accepted accounting principles consistently applied, with the books, records, or papers related to the Agreement in the custody or control of the Taxpayer open for reasonable Department inspection and audits, and including, without limitation, the making of copies of the books, records, or papers, and the inspection or appraisal of any of the Taxpayer or project assets.

(10) Take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of financial assistance or participation required under this Act, including the power to sell, dispose, lease, or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property that the Department may receive as a result of these actions.

Section 5-20. Tax credit awards.

(a) Subject to the conditions set forth in this Act, a Taxpayer is entitled to a Credit against or, as described in subsection (f) of this Section, a payment towards taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act that may be imposed on the Taxpayer for a taxable year beginning on or after January 1, 2022, if the Taxpayer is awarded a Credit by the Department under this Act for that taxable year.

The Department shall make Credit awards under this Act to foster job creation and the development of green energy in Energy Transition Zones.

(b) A person that proposes a project to create new jobs and to invest in the development of a green energy production facility in an Energy Transition Zone must enter into an Agreement with the Department for the Credit under this Act

(c) The Credit shall be claimed for the taxable years specified in the Agreement.

(d) The Credit shall not exceed the Incremental Income Tax attributable to the project that is the subject of the Agreement.

(e) Nothing herein shall prohibit a Tax Credit Award to an Applicant that uses a PEO if all other award criteria are satisfied.

(f) This Section is exempt from the provisions of Section 250 of the Illinois Income Tax Act.

Section 5-25. Application for a project to create and retain new jobs and to develop green energy.

(a) Any green energy enterprise proposing a project to build a green energy production facility located or planned to be located in an Energy Transition Zone may request consideration for designation of its project, by formal written letter of request or by formal application to the Department, in which the Applicant states its intent to make at least a specified level of investment and intends to hire or retain a specified number of full-time employees at a designated location in Illinois. As circumstances require, the Department may require a formal application from an Applicant and a formal letter of request for assistance.

(b) In order to qualify for Credits under this Act, an Applicant's project must:

(1) be for the purpose of producing green energy;

(2) if the Applicant has more than 100 employees, involve an investment of at least $2,500,000 in capital improvements to be placed in service within an Energy Transition Zone as a direct result of the project; if the Applicant has 100 or fewer employees, then there is no capital investment requirement; and

(3) if the Applicant has more than 100 employees, employ a number of new employees in the Energy Transition Zone equal to the lesser of (A) 10% of the number of full-time employees employed by the applicant world-wide on the date the application is filed with the Department or (B) 50 New Employees; and, if the Applicant has 100 or fewer employees, employ a number of new employees in the State equal to the lesser of (A) 5% of the number of full-time employees employed by the applicant world-wide on the date the application is filed with the Department or (B) 50 New Employees;

(c) After receipt of an application, the Department may enter into an Agreement with the Applicant if the application is accepted in accordance with Section 5-25.

Section 5-30. Review of application.

(a) In addition to those duties granted under the Illinois Economic Development Board Act, the Illinois Economic Development Board shall form an Energy Transition Investment Committee for the

purpose of making recommendations for applications. At the request of the Board, the Director of Commerce and Economic Opportunity or his or her designee, the Director of the Governor's Office of Management and Budget or his or her designee, the Director of Revenue or his or her designee, the Director of Employment Security or his or her designee, and an elected official of the affected locality, such as the chair of the county board or the mayor, may serve as members of the Committee to assist with its analysis and deliberations.

(b) At the Department's request, the Committee shall convene, make inquiries, and conduct studies in the manner and by the methods as it deems desirable, review information with respect to Applicants, and make recommendations for projects to benefit an Energy Transition Zone. In making its recommendation that an Applicant's application for Credit should or should not be accepted, which shall occur within a reasonable time frame as determined by the nature of the application, the Committee shall determine that all the following conditions exist:

(1) The Applicant's project intends, as required by subsection (b) of Section 5, to make the required investment in the Energy Transition Zone and intends to hire the required number of New Employees in the Energy Transition Zone as a result of that project.

(2) The Applicant's project is economically sound and will benefit the people of the Energy Transition Zone by increasing opportunities for employment and engaging in the development of green energy.

(3) That, if not for the Credit, the project would not occur in Illinois, which may be demonstrated by evidence that receipt of the Credit is essential to the Applicant's decision to create new jobs in the State, such as the magnitude of the cost differential between Illinois and a competing State; in addition, if the Applicant is seeking an increase in the maximum amount of the Credit for retained employees, the Applicant must provide evidence the Applicant has multi-state location options and could reasonably and efficiently locate outside of the State or demonstrate that at least one other state is being considered for the project.

(4) A cost differential is identified, using best available data, in the projected costs for the Applicant's project compared to the costs in the competing state, including the impact of the competing state's incentive programs. The competing state's incentive programs shall include state, local, private, and federal funds available.

(5) The political subdivisions affected by the project have committed local incentives with respect to the project, considering local ability to assist.

(6) Awarding the Credit will result in an overall positive fiscal impact to the State, as certified by the Committee using the best available data.

(7) The Credit is not otherwise prohibited by this Act.

Section 5-35. Limitation to amount of costs of specified items. The total amount of the Credit allowed during all tax years may not exceed the aggregate amount of costs incurred by the Taxpayer during all prior tax years for the following items, to the extent provided in the Agreement:

(1) capital investment, including, but not limited to, equipment, buildings, or land;

(2) infrastructure development;

(3) debt service, except refinancing of current debt;

(4) research and development;

(5) job training and education;

(6) lease costs; or

(7) relocation costs.

Section 5-40. Relocation of jobs to Energy Transition Zone. A taxpayer is not entitled to claim the credit provided by this Act with respect to any jobs that the taxpayer relocates from one site in Illinois to another site in an Energy Transition Zone. Moreover, any full-time employee of an eligible green energy enterprise relocated to an Energy Transition Zone in connection with that qualifying project is deemed to be a new employee for purposes of this Act. Determinations under this Section shall be made by the Department.

Section 5-45. Determination of amount of the Credit. In determining the amount of the Credit that should be awarded, the Committee shall provide guidance on, and the Department shall take into consideration, all of the following factors:

(1) The number and location of jobs created and retained in relation to the economy of the Energy Transition Zone where the projected investment is to occur.

(2) The potential impact on the economy of the Energy Transition Zone.

(3) The advancement of green energy in the Energy Transition Zone.

(4) The incremental payroll attributable to the project.

(5) The capital investment attributable to the project.

(6) The amount of the average wage and benefits paid by the Applicant in relation to the wage and benefits of the Energy Transition Zone.

(7) The costs to Illinois and the affected political subdivisions with respect to the project.

(8) The financial assistance that is otherwise provided by Illinois and the affected political subdivisions.

Section 5-50. Amount and curation of credit.

(a) The Department shall determine the amount and duration of the credit awarded under this Act. The duration of the credit may not exceed 10 taxable years. The credit may be stated as a percentage of the Incremental Income Tax attributable to the applicant's project and may include a fixed dollar limitation. An Agreement for the credit must be finalized and signed by all parties while the area in which the project is located is designated an Energy Transition Zone. The credit may last longer than the applicable Energy Transition Zone designation. Agreements entered into prior to the de-designation of an Energy Transition Zone will be honored for the length of the Agreement.

(b) The tax credit may not reduce the taxpayer's liability to less than zero. If the amount of tax credit exceeds the liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit must be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, then the earlier credit will be applied first.

Section 5-55. Contents of Agreements with Applicants. The Department shall enter into an Agreement with an Applicant that is awarded a Credit under this Act. The Agreement must include all of the following:

(1) A detailed description of the project that is the subject of the Agreement, including the location and amount of the investment and jobs created or retained.

(2) The duration of the Credit and the first taxable year for which the Credit may be claimed.

(3) The Credit amount that will be allowed for each taxable year.

(4) A requirement that the Taxpayer shall maintain operations at the project location that shall be stated as a minimum number of years not to exceed 10.

(5) A specific method for determining the number of New Employees employed during a taxable year.

(6) A requirement that the Taxpayer shall annually report to the Department the number of New Employees, the Incremental Income Tax withheld in connection with the New Employees, and any other information the Director needs to perform the Director's duties under this Act.

(7) A requirement that the Director is authorized to verify with the appropriate State agencies the amounts reported under paragraph (6), and after doing so shall issue a certificate to the Taxpayer stating that the amounts have been verified.

(8) A requirement that the Taxpayer shall provide written notification to the Director not more than 30 days after the Taxpayer makes or receives a proposal that would transfer the Taxpayer's State tax liability obligations to a successor Taxpayer.

(9) A detailed description of the number of New Employees to be hired, and the occupation and payroll of the full-time jobs to be created or retained as a result of the project.

(10) The minimum investment the green energy enterprise will make in capital improvements, the time period for placing the property in service, and the designated green energy production of the project.

(11) A requirement that the Taxpayer shall provide written notification to the Director and the Committee not more than 30 days after the Taxpayer determines that the minimum job creation or retention, employment payroll, or investment no longer is being or will be achieved or maintained as set forth in the terms and conditions of the Agreement.

(12) A provision that, if the total number of New Employees falls below a specified level, the allowance of Credit shall be suspended until the number of New Employees equals or exceeds the Agreement amount.

(13) A detailed description of the items for which the costs incurred by the Taxpayer will be included in the limitation on the Credit provided in Section 5-40.

(14) A provision that, if the Taxpayer never meets either the investment or job creation and retention requirements specified in the Agreement during the entire 5-year period beginning on the first day of the first taxable year in which the Agreement is executed and ending on the last day of the fifth taxable year after the Agreement is executed, then the Agreement is automatically terminated on the last day of the fifth taxable year after the Agreement is executed and the Taxpayer is not entitled to the award of any credits for any of that 5-year period.

(15) A provision specifying that, if the Taxpayer ceases principal operations with the intent to shut down the project in the Energy Transition Zone permanently during the term of the Agreement, then the entire credit amount awarded to the Taxpayer prior to the date the Taxpayer ceases principal operations shall be returned to the Department.

(16) Any other performance conditions or contract provisions as the Department determines are appropriate. The Department shall post on its website the terms of each Agreement entered into under this Act. Such information shall be posted within 10 days after entering into the Agreement and must include the following:

(A) the name of the recipient business;

(B) the location of the project;

(C) the estimated value of the credit;

(C) the number of new jobs and, if applicable, retained jobs pledged as a result of the project; and

(E) whether or not the project is located in an underserved area.

Section 5-60. Certificate of verification; submission to the Department of Revenue. A Taxpayer claiming a Credit under this Act shall submit to the Department of Revenue a copy of the Director's certificate of verification under this Act for the taxable year.

For a Taxpayer to be eligible for a certificate of verification, the Taxpayer shall provide proof as required by the Department prior to the end of each calendar year, including, but not limited to, attestation by the Taxpayer that:

(1) The project has substantially achieved the level of new full-time jobs in the Energy Transition Zone, as specified in its Agreement.

(2) The project has substantially achieved the level of annual payroll in the Energy Transition Zone, as specified in its Agreement.

(3) The project has substantially achieved the level of capital investment in the Energy Transition Zone, as specified in its Agreement;

(4) The project has assisted in the development of green energy production in the Energy Transition Zone, as specified in its Agreement.

Section 5-65. Supplier diversity. Each taxpayer claiming a credit under this Act shall, no later than April 15 of each taxable year for which the taxpayer claims a credit under this Act, submit to the Department of Commerce and Economic Opportunity an annual report containing the information described in subsections (b), (c), (d), and (e) of Section 5-117 of the Public Utilities Act. Those reports shall be submitted in the form and manner required by the Department of Commerce and Economic Opportunity.

Section 5-70. Pass through entities.

(a) For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there is allowed a credit under this Section to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code.

(b) The Credit provided under subsection (a) is in addition to any Credit to which a shareholder or partner is otherwise entitled under a separate Agreement under this Act. A pass through entity and a

shareholder or partner of the pass through entity may not claim more than one Credit under the same Agreement.

Section 5-75. Noncompliance; notice; assessment. If the Director determines that a Taxpayer who has received a Credit under this Act is not complying with the requirements of the Agreement or all of the provisions of this Act, the Director shall provide notice to the Taxpayer of the alleged noncompliance, and allow the Taxpayer a hearing under the provisions of the Illinois Administrative Procedure Act. If, after such notice and any hearing, the Director determines that a noncompliance exists, the Director shall issue to the Department of Revenue notice to that effect, stating the Noncompliance Date. If, during the term of an Agreement, the Taxpayer ceases operations at a project location that is the subject of that Agreement with the intent to terminate operations in the Energy Transition Zone, the Department and the Department of Revenue shall recapture from the Taxpayer the entire Credit amount awarded under that Agreement prior to the date the taxpayer ceases operations. The Department shall, subject to appropriation, reallocate the recaptured amounts to the local workforce investment area in which the project was located for the purposes of workforce development, expanded opportunities for unemployed persons, and expanded opportunities for women and minorities in the workforce.

Section 5-80. Annual report. On or before July 1 each year, the Committee shall submit a report to the Department on the tax credit program under this Act to the Governor and the General Assembly. The report shall include information on the number of Agreements that were entered into under this Act during the preceding calendar year, a description of the project that is the subject of each Agreement, an update on the status of projects under Agreements entered into before the preceding calendar year, and the sum of the Credits awarded under this Act. A copy of the report shall be delivered to the Governor and to each member of the General Assembly.

The report must include, for each Agreement:

(1) the original estimates of the value of the Credit and the number of new jobs to be created and, if applicable, the number of retained jobs;

(2) any relevant modifications to existing Agreements;

(3) a statement of the progress made by each Taxpayer in meeting the terms of the original Agreement;

(4) a statement of wages paid to New Employees and, if applicable, retained employees in the State;

(5) any information reported under Section 5-65 of this Act; and

(6) a copy of the original Agreement.

Section 5-85. Evaluation of tax credit program. On a biennial basis, the Department shall evaluate the tax credit program. The evaluation shall include an assessment of the effectiveness of the program in creating new jobs in Illinois and of the revenue impact of the program, and may include a review of the practices and experiences of other states with similar programs. The Director shall submit a report on the evaluation to the Governor and the General Assembly after June 30 and before November 1 in each odd-numbered year.

Section 5-90. Adoption of rules. The Department may adopt rules necessary to implement this Act. The rules may provide for recipients of Credits under this Act to be charged fees to cover administrative costs of the tax credit program. Fees collected shall be deposited into the Energy Transition Fund.

Section 5-95. The Energy Transition Fund.

(a) The Energy Transition Fund is established as a special fund within the State treasury to be used exclusively for the purposes of this Act, including paying for the costs of administering this Act. The Fund shall be administered by the Department.

(b) The Fund consists of collected fees, appropriations from the General Assembly, and gifts and grants to the Fund.

(c) The State Treasurer shall invest the money in the Fund not currently needed to meet the obligations of the Fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited into the Fund.

(d) The money in the Fund at the end of a State fiscal year remains in the Fund to be used exclusively for the purposes of this Act. Expenditures from the Fund are subject to appropriation by the General Assembly.

Section 5-100. Program terms and conditions.

(a) Any documentary materials or data made available or received by any member of a Committee or any agent or employee of the Department shall be deemed confidential and shall not be deemed public records to the extent that the materials or data consists of trade secrets, commercial or financial information regarding the operation of the business conducted by the Applicant for or recipient of any tax credit under this Act, or any information regarding the competitive position of a business in a particular field of endeavor.

(b) Nothing in this Act shall be construed as creating any rights in any Applicant to enter into an Agreement or in any person to challenge the terms of any Agreement.

Article 10. Amendatory Provisions

Section 10-5. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

Sec. 5-45. Emergency rulemaking.

(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24-month period, except that this limitation on the number of emergency rules that may be adopted in a 24-month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act, (iii) emergency rules adopted by the Illinois Department of Public Health under subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health, (iv) emergency rules adopted pursuant to subsection (n) of this Section, (v) emergency rules adopted pursuant to subsection (o) of this Section, or (vi) emergency rules adopted pursuant to subsection (c-5) of this Section. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

(c-5) To facilitate the maintenance of the program of group health benefits provided to annuitants, survivors, and retired employees under the State Employees Group Insurance Act of 1971, rules to alter the contributions to be paid by the State, annuitants, survivors, retired employees, or any combination of those entities, for that program of group health benefits, shall be adopted as emergency rules. The adoption of those rules shall be considered an emergency and necessary for the public interest, safety, and welfare.

(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d).

The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

(e) In order to provide for the expeditious and timely implementation of the State's fiscal year 2000 budget, emergency rules to implement any provision of Public Act 91-24 or any other budget initiative for fiscal year 2000 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (e). The adoption of emergency rules authorized by this subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of Public Act 91-712 or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

(g) In order to provide for the expeditious and timely implementation of the State's fiscal year 2002 budget, emergency rules to implement any provision of Public Act 92-10 or any other budget initiative for fiscal year 2002 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (g). The adoption of emergency rules authorized by this subsection (g) shall be deemed to be necessary for the public interest, safety, and welfare.

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of Public Act 92-597 or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of Public Act 93-20 or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.

(j) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2005 budget as provided under the Fiscal Year 2005 Budget Implementation (Human Services) Act, emergency rules to implement any provision of the Fiscal Year 2005 Budget Implementation (Human Services) Act may be adopted in accordance with this Section by the agency charged with administering that provision, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (j). The Department of Public Aid may also adopt rules under this subsection (j) necessary to administer the Illinois Public Aid Code and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (j) shall be deemed to be necessary for the public interest, safety, and welfare.

(k) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2006 budget, emergency rules to implement any provision of Public Act 94-48 or any other budget initiative for fiscal year 2006 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (k). The Department of Healthcare and Family Services may also adopt rules under this subsection (k) necessary to administer the Illinois Public Aid Code, the Senior Citizens and Persons with Disabilities Property Tax Relief Act, the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act (now the Illinois Prescription Drug Discount Program Act), and the Children's Health

Insurance Program Act. The adoption of emergency rules authorized by this subsection (k) shall be deemed to be necessary for the public interest, safety, and welfare.

(l) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2007 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2007, including rules effective July 1, 2007, in accordance with this subsection to the extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (l) shall be deemed to be necessary for the public interest, safety, and welfare.

(m) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2008 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2008, including rules effective July 1, 2008, in accordance with this subsection to the extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (m) shall be deemed to be necessary for the public interest, safety, and welfare.

(n) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2010 budget, emergency rules to implement any provision of Public Act 96-45 or any other budget initiative authorized by the 96th General Assembly for fiscal year 2010 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative. The adoption of emergency rules authorized by this subsection (n) shall be deemed to be necessary for the public interest, safety, and welfare. The rulemaking authority granted in this subsection (n) shall apply only to rules promulgated during Fiscal Year 2010.

(o) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2011 budget, emergency rules to implement any provision of Public Act 96-958 or any other budget initiative authorized by the 96th General Assembly for fiscal year 2011 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative. The adoption of emergency rules authorized by this subsection (o) is deemed to be necessary for the public interest, safety, and welfare. The rulemaking authority granted in this subsection (o) applies only to rules promulgated on or after July 1, 2010 (the effective date of Public Act 96-958) through June 30, 2011.

(p) In order to provide for the expeditious and timely implementation of the provisions of Public Act 97-689, emergency rules to implement any provision of Public Act 97-689 may be adopted in accordance with this subsection (p) by the agency charged with administering that provision or initiative. The 150-day limitation of the effective period of emergency rules does not apply to rules adopted under this subsection (p), and the effective period may continue through June 30, 2013. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (p). The adoption of emergency rules authorized by this subsection (p) is deemed to be necessary for the public interest, safety, and welfare.

(q) In order to provide for the expeditious and timely implementation of the provisions of Articles 7, 8, 9, 11, and 12 of Public Act 98-104, emergency rules to implement any provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104 may be adopted in accordance with this subsection (q) by the agency charged with administering that provision or initiative. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (q). The adoption of emergency rules authorized by this subsection (q) is deemed to be necessary for the public interest, safety, and welfare.

(r) In order to provide for the expeditious and timely implementation of the provisions of Public Act 98-651, emergency rules to implement Public Act 98-651 may be adopted in accordance with this subsection (r) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (r). The adoption of emergency rules authorized by this subsection (r) is deemed to be necessary for the public interest, safety, and welfare.

(s) In order to provide for the expeditious and timely implementation of the provisions of Sections 5-5b.1 and 5A-2 of the Illinois Public Aid Code, emergency rules to implement any provision of Section 5-5b.1 or Section 5A-2 of the Illinois Public Aid Code may be adopted in accordance with this subsection (s) by the Department of Healthcare and Family Services. The rulemaking authority granted in this subsection (s) shall apply only to those rules adopted prior to July 1, 2015. Notwithstanding any other

provision of this Section, any emergency rule adopted under this subsection (s) shall only apply to payments made for State fiscal year 2015. The adoption of emergency rules authorized by this subsection (s) is deemed to be necessary for the public interest, safety, and welfare.

(t) In order to provide for the expeditious and timely implementation of the provisions of Article II of Public Act 99-6, emergency rules to implement the changes made by Article II of Public Act 99-6 to the Emergency Telephone System Act may be adopted in accordance with this subsection (t) by the Department of State Police. The rulemaking authority granted in this subsection (t) shall apply only to those rules adopted prior to July 1, 2016. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (t). The adoption of emergency rules authorized by this subsection (t) is deemed to be necessary for the public interest, safety, and welfare.

(u) In order to provide for the expeditious and timely implementation of the provisions of the Burn Victims Relief Act, emergency rules to implement any provision of the Act may be adopted in accordance with this subsection (u) by the Department of Insurance. The rulemaking authority granted in this subsection (u) shall apply only to those rules adopted prior to December 31, 2015. The adoption of emergency rules authorized by this subsection (u) is deemed to be necessary for the public interest, safety, and welfare.

(v) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-516, emergency rules to implement Public Act 99-516 may be adopted in accordance with this subsection (v) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (v). The adoption of emergency rules authorized by this subsection (v) is deemed to be necessary for the public interest, safety, and welfare.

(w) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-796, emergency rules to implement the changes made by Public Act 99-796 may be adopted in accordance with this subsection (w) by the Adjutant General. The adoption of emergency rules authorized by this subsection (w) is deemed to be necessary for the public interest, safety, and welfare.

(x) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-906, emergency rules to implement subsection (i) of Section 16-115D, subsection (g) of Section 16-128A, and subsection (a) of Section 16-128B of the Public Utilities Act may be adopted in accordance with this subsection (x) by the Illinois Commerce Commission. The rulemaking authority granted in this subsection (x) shall apply only to those rules adopted within 180 days after June 1, 2017 (the effective date of Public Act 99-906). The adoption of emergency rules authorized by this subsection (x) is deemed to be necessary for the public interest, safety, and welfare.

(y) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-23, emergency rules to implement the changes made by Public Act 100-23 to Section 4.02 of the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30 of the Alcoholism and Other Drug Abuse and Dependency Act, and Sections 74 and 75 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (y) by the respective Department. The adoption of emergency rules authorized by this subsection (y) is deemed to be necessary for the public interest, safety, and welfare.

(z) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-554, emergency rules to implement the changes made by Public Act 100-554 to Section 4.7 of the Lobbyist Registration Act may be adopted in accordance with this subsection (z) by the Secretary of State. The adoption of emergency rules authorized by this subsection (z) is deemed to be necessary for the public interest, safety, and welfare.

(aa) In order to provide for the expeditious and timely initial implementation of the changes made to Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code under the provisions of Public Act 100-581, the Department of Healthcare and Family Services may adopt emergency rules in accordance with this subsection (aa). The 24-month limitation on the adoption of emergency rules does not apply to rules to initially implement the changes made to Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code adopted under this subsection (aa). The adoption of emergency rules authorized by this subsection (aa) is deemed to be necessary for the public interest, safety, and welfare.

(bb) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-587, emergency rules to implement the changes made by Public Act 100-587 to Section 4.02 of the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code, subsection (b) of Section 55-30 of the Alcoholism and Other Drug Abuse and Dependency Act, Section 5-104 of the Specialized Mental Health Rehabilitation Act of 2013, and Section 75 and subsection (b) of Section 74 of the Mental

Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (bb) by the respective Department. The adoption of emergency rules authorized by this subsection (bb) is deemed to be necessary for the public interest, safety, and welfare.

(cc) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-587, emergency rules may be adopted in accordance with this subsection (cc) to implement the changes made by Public Act 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois Pension Code by the Board created under Article 14 of the Code; Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by the Board created under Article 15 of the Code; and Sections 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board created under Article 16 of the Code. The adoption of emergency rules authorized by this subsection (cc) is deemed to be necessary for the public interest, safety, and welfare.

(dd) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-864, emergency rules to implement the changes made by Public Act 100-864 to Section 3.35 of the Newborn Metabolic Screening Act may be adopted in accordance with this subsection (dd) by the Secretary of State. The adoption of emergency rules authorized by this subsection (dd) is deemed to be necessary for the public interest, safety, and welfare.

(ee) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-1172, emergency rules implementing the Illinois Underground Natural Gas Storage Safety Act may be adopted in accordance with this subsection by the Department of Natural Resources. The adoption of emergency rules authorized by this subsection is deemed to be necessary for the public interest, safety, and welfare.

(ff) In order to provide for the expeditious and timely initial implementation of the changes made to Articles 5A and 14 of the Illinois Public Aid Code under the provisions of Public Act 100-1181, the Department of Healthcare and Family Services may on a one-time-only basis adopt emergency rules in accordance with this subsection (ff). The 24-month limitation on the adoption of emergency rules does not apply to rules to initially implement the changes made to Articles 5A and 14 of the Illinois Public Aid Code adopted under this subsection (ff). The adoption of emergency rules authorized by this subsection (ff) is deemed to be necessary for the public interest, safety, and welfare.

(gg) In order to provide for the expeditious and timely implementation of the provisions of Public Act 101-1, emergency rules may be adopted by the Department of Labor in accordance with this subsection (gg) to implement the changes made by Public Act 101-1 to the Minimum Wage Law. The adoption of emergency rules authorized by this subsection (gg) is deemed to be necessary for the public interest, safety, and welfare.

(hh) In order to provide for the expeditious and timely implementation of the provisions of Public Act 101-10, emergency rules may be adopted in accordance with this subsection (hh) to implement the changes made by Public Act 101-10 to subsection (j) of Section 5-5.2 of the Illinois Public Aid Code. The adoption of emergency rules authorized by this subsection (hh) is deemed to be necessary for the public interest, safety, and welfare.

(ii) In order to provide for the expeditious and timely implementation of the provisions of Public Act 101-10, emergency rules to implement the changes made by Public Act 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid Code may be adopted in accordance with this subsection (ii) by the Department of Public Health. The adoption of emergency rules authorized by this subsection (ii) is deemed to be necessary for the public interest, safety, and welfare.

(jj) In order to provide for the expeditious and timely implementation of the provisions of Public Act 101-10, emergency rules to implement the changes made by Public Act 101-10 to Section 74 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (jj) by the Department of Human Services. The adoption of emergency rules authorized by this subsection (jj) is deemed to be necessary for the public interest, safety, and welfare.

(kk) In order to provide for the expeditious and timely implementation of the Cannabis Regulation and Tax Act and Public Act 101-27, the Department of Revenue, the Department of Public Health, the Department of Agriculture, the Department of State Police, and the Department of Financial and Professional Regulation may adopt emergency rules in accordance with this subsection (kk). The rulemaking authority granted in this subsection (kk) shall apply only to rules adopted before December 31, 2021. Notwithstanding the provisions of subsection (c), emergency rules adopted under this subsection (kk) shall be effective for 180 days. The adoption of emergency rules authorized by this subsection (kk) is deemed to be necessary for the public interest, safety, and welfare.

(ll) In order to provide for the expeditious and timely implementation of the provisions of the Leveling the Playing Field for Illinois Retail Act, emergency rules may be adopted in accordance with this subsection (ll) to implement the changes made by the Leveling the Playing Field for Illinois Retail Act. The adoption of emergency rules authorized by this subsection (ll) is deemed to be necessary for the public interest, safety, and welfare.

(mm) In order to provide for the expeditious and timely implementation of the provisions of Section 25-70 of the Sports Wagering Act, emergency rules to implement Section 25-70 of the Sports Wagering Act may be adopted in accordance with this subsection (mm) by the Department of the Lottery as provided in the Sports Wagering Act. The adoption of emergency rules authorized by this subsection (mm) is deemed to be necessary for the public interest, safety, and welfare.

(nn) In order to provide for the expeditious and timely implementation of the Sports Wagering Act, emergency rules to implement the Sports Wagering Act may be adopted in accordance with this subsection (nn) by the Illinois Gaming Board. The adoption of emergency rules authorized by this subsection (nn) is deemed to be necessary for the public interest, safety, and welfare.

(oo) In order to provide for the expeditious and timely implementation of the provisions of subsection (c) of Section 20 of the Video Gaming Act, emergency rules to implement the provisions of subsection (c) of Section 20 of the Video Gaming Act may be adopted in accordance with this subsection (oo) by the Illinois Gaming Board. The adoption of emergency rules authorized by this subsection (oo) is deemed to be necessary for the public interest, safety, and welfare.

(pp) In order to provide for the expeditious and timely implementation of the provisions of Section 50 of the Sexual Assault Evidence Submission Act, emergency rules to implement Section 50 of the Sexual Assault Evidence Submission Act may be adopted in accordance with this subsection (pp) by the Department of State Police. The adoption of emergency rules authorized by this subsection (pp) is deemed to be necessary for the public interest, safety, and welfare.

(qq) In order to provide for the expeditious and timely implementation of the provisions of the Illinois Works Jobs Program Act, emergency rules may be adopted in accordance with this subsection (qq) to implement the Illinois Works Jobs Program Act. The adoption of emergency rules authorized by this subsection (qq) is deemed to be necessary for the public interest, safety, and welfare.

(rr) In order to provide for the expeditious and timely implementation of the Illinois Energy Transition Zone Act, emergency rules to implement the provisions of subsection (a-5) of Section 1-40 of the Illinois Energy Transition Zone Act may be adopted in accordance with this subsection (aa) by the Department of Commerce and Economic Opportunity for period of 12 months after the effective date of the Illinois Energy Transition Zone Act. The adoption of emergency rules authorized by this subsection (aa) is deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff. 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18; 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff. 3-8-19; 101-1, eff. 2-19-19; 101-10, Article 20, Section 20-5, eff. 6-5-19; 101-10, Article 35, Section 35-5, eff. 6-5-19; 101-27, eff. 6-25-19; 101-31, Article 15, Section 15-5, eff. 6-28-19; 101-31, Article 25, Section 25-900, eff. 6-28-19; 101-31, Article 35, Section 35-3, eff. 6-28-19; 101-377, eff. 8-16-19; 101-601, eff. 12-10-19.)

Section 10-7. The Illinois Enterprise Zone Act is amended by changing Section 8.1 as follows:

(20 ILCS 655/8.1)

Sec. 8.1. Accounting.

(a) Any business receiving tax incentives due to its location within an Enterprise Zone or its designation as a High Impact Business must annually report to the Department of Revenue information reasonably required by the Department of Revenue to enable the Department to verify and calculate the total Enterprise Zone or High Impact Business tax benefits for property taxes and taxes imposed by the State that are received by the business, broken down by incentive category and enterprise zone, if applicable. Reports will be due no later than May 31 of each year and shall cover the previous calendar year. The first report will be for the 2012 calendar year and will be due no later than May 31, 2013. Failure to report data may result in ineligibility to receive incentives. To the extent that a business receiving tax incentives has obtained an Enterprise Zone Building Materials Exemption Certificate or a High Impact Business Building Materials Exemption Certificate, that business is required to report those building materials exemption benefits only under subsection (a-5) of this Section. No additional reporting for those building materials exemption benefits is required under this subsection (a). In addition, if the Department determines that 80% or more of

the businesses receiving tax incentives because of their location within a particular Enterprise Zone failed to submit the information required under this subsection (a) to the Department in any calendar year, then the Enterprise Zone may be decertified by the Department. If the Department is able to determine that specific businesses are failing to submit the information required under this subsection (a) to the Department in any calendar year to the Zone Administrator, regardless of the Administrator's efforts to enforce reporting, the Department may, at its discretion, suspend the benefits to the specific business rather than an outright decertification of the particular Enterprise Zone. The Department, in consultation with the Department of Revenue, is authorized to adopt rules governing ineligibility to receive exemptions, including the length of ineligibility. Factors to be considered in determining whether a business is ineligible shall include, but are not limited to, prior compliance with the reporting requirements, cooperation in discontinuing and correcting violations, the extent of the violation, and whether the violation was willful or inadvertent.

(a-5) Each contractor or other entity that has been issued an Enterprise Zone Building Materials Exemption Certificate under Section 5k of the Retailers' Occupation Tax Act or a High Impact Business Building Materials Exemption Certificate under Section 5l of the Retailers' Occupation Tax Act shall annually report to the Department of Revenue the total value of the Enterprise Zone or High Impact Business building materials exemption from State taxes. Reports shall contain information reasonably required by the Department of Revenue to enable it to verify and calculate the total tax benefits for taxes imposed by the State, and shall be broken down by Enterprise Zone. Reports are due no later than May 31 of each year and shall cover the previous calendar year. The first report will be for the 2013 calendar year and will be due no later than May 31, 2014. Failure to report data may result in revocation of the Enterprise Zone Building Materials Exemption Certificate or High Impact Business Building Materials Exemption Certificate issued to the contractor or other entity.

The Department of Revenue is authorized to adopt rules governing revocation determinations, including the length of revocation. Factors to be considered in revocations shall include, but are not limited to, prior compliance with the reporting requirements, cooperation in discontinuing and correcting violations, and whether the certificate was used unlawfully during the preceding year.

(b) Each person required to file a return under the Gas Revenue Tax Act, the Gas Use Tax Act, the Electricity Excise Tax Act, or the Telecommunications Excise Tax Act shall file, on or before May 31 of each year, a report with the Department of Revenue, in the manner and form required by the Department of Revenue, containing information reasonably required by the Department of Revenue to enable the Department of Revenue to calculate the amount of the deduction for taxes imposed by the State that is taken under each Act, respectively, due to the location of a business in an Enterprise Zone or its designation as a High Impact Business. The report shall be itemized by business and the business location address.

(c) Employers shall report their job creation, retention, and capital investment numbers within the zone annually to the Department of Revenue no later than May 31 of each calendar year. High Impact Businesses shall report their job creation, retention, and capital investment numbers to the Department of Revenue no later than May 31 of each year.

(d) The Department of Revenue will aggregate and collect the tax, job, and capital investment data by Enterprise Zone and High Impact Business and report this information, formatted to exclude company-specific proprietary information, to the Department and the Board by August 1, 2013, and by August 1 of every calendar year thereafter. The Department will include this information in their required reports under Section 6 of this Act. The Board shall consider this information during the reviews required under subsection (d-5) of Section 5.4 of this Act and subsection (c) of Section 5.3 of this Act.

(e) The Department of Revenue, in its discretion, may require that the reports filed under this Section be submitted electronically.

(f) The Department of Revenue shall have the authority to adopt rules as are reasonable and necessary to implement the provisions of this Section.

(Source: P.A. 97-905, eff. 8-7-12; 98-109, eff. 7-25-13.)

Section 10-10. The State Finance Act is amended by adding Section 5.935 as follows:
(30 ILCS 105/5.935 new)
Sec. 5.935. The Energy Transition Fund.

Section 10-15. The State Mandates Act is amended by adding Section 8.45 as follows:
(30 ILCS 805/8.45 new)

Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 102nd General Assembly.

Section 10-20. The Illinois Income Tax Act is amended by adding Sections 232 and 233 as follows:

(35 ILCS 5/232 new)

Sec. 232. Investment credit; Energy Transition Zone.

(a) For tax years beginning on or after January 1, 2022, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of Section 201 for investment in qualified property which is placed in service for the use of the production of green energy by a green energy enterprise in an Energy Transition Zone created pursuant to the Illinois Energy Transition Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this Section to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be 0.5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Energy Transition Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of Section 201 to below zero. The credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(b) The term "qualified property" means property which:

(1) is tangible, whether new or used, including buildings and structural components of buildings;

(2) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f-1);

(3) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(4) is used in the Energy Transition Zone by the taxpayer in relation to producing green energy; and

(5) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this Section.

(c) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(d) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Energy Transition Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(e) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(f) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Energy Transition Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of Section 201 for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this subsection, a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(g) The Department of Commerce and Economic Opportunity shall provide a tax credit certificate indicating the credit amount and the year in which the property is placed in service.

(35 ILCS 5/233 new)

Sec. 233. Energy Transition Tax Credit Act. For tax years beginning on or after January 1, 2022, a taxpayer who qualifies for a credit under the Energy Transition Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act as provided in that Act.

Section 10-25. The Retailers' Occupation Tax Act is amended by adding Section 5k-1 as follows: (35 ILCS 120/5k-1 new)

Sec. 5k-1. Building materials exemption; Energy Transition Zone.

(a) Each retailer who makes a qualified sale of building materials to be incorporated into a green energy project, as defined in the Energy Transition Zone Act, being built by a green energy enterprise in an Energy Transition Zone established by or municipality under the Illinois Energy Transition Zone Act by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. For purposes of this Section, "qualified sale" means a sale of building materials that will be incorporated into real estate as part of a building project for which an Energy Transition Zone Building Materials Exemption Certificate has been issued to the purchaser by the Department. A construction contractor or other entity shall not make tax-free purchases unless it has an active Energy Transition Zone Building Materials Exemption Certificate issued by the Department at the time of the purchase.

(b) To document the exemption allowed under this Section, the retailer must obtain from the purchaser the certification required under subsection (c), which must contain the Energy Transition Zone Building Materials Exemption Certificate number issued to the purchaser by the Department. Upon request from the Energy Transition Zone Administrator, the Department shall issue an Energy Transition Zone Building Materials Exemption Certificate for each construction contractor or other entity identified by the Energy Transition Zone Administrator. The Department shall make the Energy Transition Zone Building Materials Exemption Certificates available directly to each Energy Transition Zone Administrator, construction contractor, or other entity. The request for Energy Transition Zone Building Materials Exemption Certificates from the Energy Transition Zone Administrator to the Department must include the following information:

(1) the name and address of the construction contractor or other entity;

(2) the name and number of the Energy Transition Zone;

(3) the name and location or address of the green energy enterprise;

(4) the estimated amount of the exemption for each construction contractor or other entity for which a request for Energy Transition Zone Building Materials Exemption Certificate is made, based on a stated estimated average tax rate and the percentage of the contract that consists of materials;

(5) the period of time over which supplies for the project are expected to be purchased; and

(6) other reasonable information as the Department may require, including, but not limited to FEIN numbers, to determine if the contractor or other entity, or any partner, or a corporate officer, and in the case of a limited liability company, any manager or member, of the construction contractor or other entity, is or has been the owner, a partner, a corporate officer, and in the case of a limited liability company, a manager or member, of a person that is in default for moneys due to the Department under this Act or any other tax or fee Act administered by the Department.

The Department shall issue the Energy Transition Zone Building Materials Exemption Certificates within 3 business days after receipt of request from the Zone Administrator. This requirement does not apply in circumstances where the Department, for reasonable cause, is unable to issue the Energy Transition Zone Building Materials Exemption Certificate within 3 business days. The Department may refuse to issue an Energy Transition Zone Building Materials Exemption Certificate if the owner, any partner, or a corporate officer, and in the case of a limited liability company, any manager or member, of the construction contractor or other entity is or has been the owner, a partner, a corporate officer, and in the case of a limited liability company, a manager or member, of a person that is in default for moneys due to the Department under this Act or any other tax or fee Act administered by the Department. The Energy Transition Zone Building Materials Exemption Certificate shall contain language stating that if the construction contractor or other entity who is issued the Energy Transition Zone Building Materials Exemption Certificate makes a tax-exempt purchase, as described in this Section, that is not eligible for exemption under this Section or allows another person to make a tax-exempt purchase, as described in this Section, that is not eligible for exemption under this Section, then, in addition to any tax or other penalty imposed, the construction contractor or other entity is subject to a penalty equal to the tax that would have been paid by the retailer under this Act as well as any applicable local retailers' occupation tax on the purchase that is not eligible for the exemption.

The Department, in its discretion, may require that the request for Energy Transition Zone Building Materials Exemption Certificates be submitted electronically. The Department may, in its discretion, issue

the Energy Transition Zone Building Materials Exemption Certificates electronically. The Energy Transition Zone Building Materials Exemption Certificate number shall be designed in such a way that the Department can identify from the unique number on the Energy Transition Zone Building Materials Exemption Certificate issued to a given construction contractor or other entity, the name of the Energy Transition Zone, the project for which the Energy Transition Zone Building Materials Exemption Certificate is issued, and the construction contractor or other entity to whom the Energy Transition Zone Building Materials Exemption Certificate is issued. The Energy Transition Zone Building Materials Exemption Certificate shall contain an expiration date, which shall be no more than 2 years after the date of issuance. At the request of the Zone Administrator, the Department may renew an Energy Transition Zone Building Materials Exemption Certificate. After the Department issues Energy Transition Zone Building Materials Exemption Certificates for a given Energy Transition Zone project, the Energy Transition Zone Administrator may notify the Department of additional construction contractors or other entities eligible for an Energy Transition Zone Building Materials Exemption Certificate. Upon notification by the Energy Transition Zone Administrator and subject to the other provisions of this subsection (b), the Department shall issue an Energy Transition Zone Building Materials Exemption Certificate to each additional construction contractor or other entity identified by the Energy Transition Zone Administrator. An Energy Transition Zone Administrator may notify the Department to rescind an Energy Transition Zone Building Materials Exemption Certificate previously issued by the Department but that has not yet expired. Upon notification by the Energy Transition Zone Administrator and subject to the other provisions of this subsection (b), the Department shall issue the rescission of the Energy Transition Zone Building Materials Exemption Certificate to the construction contractor or other entity identified by the Energy Transition Zone Administrator and provide a copy to the Energy Transition Zone Administrator.

If the Department of Revenue determines that a construction contractor or other entity that was issued an Energy Transition Zone Building Materials Exemption Certificate under this subsection (b) made a tax-exempt purchase, as described in this Section, that was not eligible for exemption under this Section or allowed another person to make a tax-exempt purchase, as described in this Section, that was not eligible for exemption under this Section, then, in addition to any tax or other penalty imposed, the construction contractor or other entity is subject to a penalty equal to the tax that would have been paid by the retailer under this Act as well as any applicable local retailers' occupation tax on the purchase that was not eligible for the exemption.

(c) In addition, the retailer must obtain certification from the purchaser that contains:

(1) a statement that the building materials are being purchased for incorporation into a green energy project located in an Illinois Energy Transition Zone;

(2) the location or address of the real estate into which the building materials will be incorporated;

(3) the name of the Energy Transition Zone in which that real estate is located;

(4) a description of the building materials being purchased;

(5) the purchaser's Energy Transition Zone Building Materials Exemption Certificate number issued by the Department; and

(6) the purchaser's signature and date of purchase.

(d) The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance by the municipality or county that created the Energy Transition Zone into which the building materials will be incorporated. The ordinance, however, may neither require nor prohibit the purchase of building materials from any retailer or class of retailers in order to qualify for the exemption allowed under this Section. The provisions of this Section are exempt from Section 2-70.

Section 10-30. The Illinois Municipal Code is amended by changing Section 8-11-2 as follows:

(65 ILCS 5/8-11-2) (from Ch. 24, par. 8-11-2)

Sec. 8-11-2. The corporate authorities of any municipality may tax any or all of the following occupations or privileges:

1. (Blank).

2. Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of a municipality of 500,000 or fewer population, and not for resale, at a rate not to exceed 5% of the gross receipts therefrom.

2a. Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of a municipality of over 500,000 population, and not for

resale, at a rate not to exceed 8% of the gross receipts therefrom. If imposed, this tax shall be paid in monthly payments.

3. The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at rates not to exceed the following maximum rates, calculated on a monthly basis for each purchaser:

(i) For the first 2,000 kilowatt-hours used or consumed in a month; 0.61 cents per kilowatt-hour;

(ii) For the next 48,000 kilowatt-hours used or consumed in a month; 0.40 cents per kilowatt-hour;

(iii) For the next 50,000 kilowatt-hours used or consumed in a month; 0.36 cents per kilowatt-hour;

(iv) For the next 400,000 kilowatt-hours used or consumed in a month; 0.35 cents per kilowatt-hour;

(v) For the next 500,000 kilowatt-hours used or consumed in a month; 0.34 cents per kilowatt-hour;

(vi) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.32 cents per kilowatt-hour;

(vii) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.315 cents per kilowatt-hour;

(viii) For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.31 cents per kilowatt-hour;

(ix) For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.305 cents per kilowatt-hour; and

(x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month, 0.30 cents per kilowatt-hour.

If a municipality imposes a tax at rates lower than either the maximum rates specified in this Section or the alternative maximum rates promulgated by the Illinois Commerce Commission, as provided below, the tax rates shall be imposed upon the kilowatt-hour categories set forth above with the same proportional relationship as that which exists among such maximum rates. Notwithstanding the foregoing, until December 31, 2008, no municipality shall establish rates that are in excess of rates reasonably calculated to produce revenues that equal the maximum total revenues such municipality could have received under the tax authorized by this subparagraph in the last full calendar year prior to August 1, 1998 (the effective date of Section 65 of Public Act 90-561); provided that this shall not be a limitation on the amount of tax revenues actually collected by such municipality.

Upon the request of the corporate authorities of a municipality, the Illinois Commerce Commission shall, within 90 days after receipt of such request, promulgate alternative rates for each of these kilowatt-hour categories that will reflect, as closely as reasonably practical for that municipality, the distribution of the tax among classes of purchasers as if the tax were based on a uniform percentage of the purchase price of electricity. A municipality that has adopted an ordinance imposing a tax pursuant to subparagraph 3 as it existed prior to August 1, 1998 (the effective date of Section 65 of Public Act 90-561) may, rather than imposing the tax permitted by Public Act 90-561, continue to impose the tax pursuant to that ordinance with respect to gross receipts received from residential customers through July 31, 1999, and with respect to gross receipts from any non-residential customer until the first bill issued to such customer for delivery services in accordance with Section 16-104 of the Public Utilities Act but in no case later than the last bill issued to such customer before December 31, 2000. No ordinance imposing the tax permitted by Public Act 90-561 shall be applicable to any non-residential customer until the first bill issued to such customer for delivery services in accordance with Section 16-104 of the Public Utilities Act but in no case later than the last bill issued to such non-residential customer before December 31, 2000.

4. Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the municipality, and not for resale, at a rate not to exceed 5% of the gross receipts therefrom.

None of the taxes authorized by this Section may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by this State or any political sub-division thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing,

selling or transmitting gas, water, or electricity, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Section for those transactions that are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act authorized by Section 8-11-1; nor shall any tax authorized by this Section be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

Any of the taxes enumerated in this Section may be in addition to the payment of money, or value of products or services furnished to the municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes, or other equipment used in the operation of the taxpayer's business.

(a) If the corporate authorities of any home rule municipality have adopted an ordinance that imposed a tax on public utility customers, between July 1, 1971, and October 1, 1981, on the good faith belief that they were exercising authority pursuant to Section 6 of Article VII of the 1970 Illinois Constitution, that action of the corporate authorities shall be declared legal and valid, notwithstanding a later decision of a judicial tribunal declaring the ordinance invalid. No municipality shall be required to rebate, refund, or issue credits for any taxes described in this paragraph, and those taxes shall be deemed to have been levied and collected in accordance with the Constitution and laws of this State.

(b) In any case in which (i) prior to October 19, 1979, the corporate authorities of any municipality have adopted an ordinance imposing a tax authorized by this Section (or by the predecessor provision of the Revised Cities and Villages Act) and have explicitly or in practice interpreted gross receipts to include either charges added to customers' bills pursuant to the provision of paragraph (a) of Section 36 of the Public Utilities Act or charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such paragraph (a) of Section 36 of that Act, and (ii) on or after October 19, 1979, a judicial tribunal has construed gross receipts to exclude all or part of those charges, then neither that municipality nor any taxpayer who paid the tax shall be required to rebate, refund, or issue credits for any tax imposed or charge collected from customers pursuant to the municipality's interpretation prior to October 19, 1979. This paragraph reflects a legislative finding that it would be contrary to the public interest to require a municipality or its taxpayers to refund taxes or charges attributable to the municipality's more inclusive interpretation of gross receipts prior to October 19, 1979, and is not intended to prescribe or limit judicial construction of this Section. The legislative finding set forth in this subsection does not apply to taxes imposed after January 1, 1996 (the effective date of Public Act 89-325).

(c) The tax authorized by subparagraph 3 shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to an ordinance authorized by subparagraph 3 and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. For purposes of this subsection (c), any partial payment not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity, in the manner prescribed by the municipality. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this paragraph (c) shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to subparagraph 3.

(d) For the purpose of the taxes enumerated in this Section:

"Gross receipts" means the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, and the consideration received for distributing, supplying, furnishing or selling water for use or consumption and not for resale, and for all services rendered in

connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever. "Gross receipts" shall not include that portion of the consideration received for distributing, supplying, furnishing, or selling gas or water to business enterprises or green energy enterprises described in paragraph (e) of this Section to the extent and during the period in which the exemption authorized by paragraph (e) is in effect or for school districts or units of local government described in paragraph (f) during the period in which the exemption authorized in paragraph (f) is in effect.

For utility bills issued on or after May 1, 1996, but before May 1, 1997, and for receipts from those utility bills, "gross receipts" does not include one-third of (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act. For utility bills issued on or after May 1, 1997, but before May 1, 1998, and for receipts from those utility bills, "gross receipts" does not include two-thirds of (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amount added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act. For utility bills issued on or after May 1, 1998, and for receipts from those utility bills, "gross receipts" does not include (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act.

For purposes of this Section "gross receipts" shall not include amounts added to customers' bills under Section 9-221 of the Public Utilities Act. This paragraph is not intended to nor does it make any change in the meaning of "gross receipts" for the purposes of this Section, but is intended to remove possible ambiguities, thereby confirming the existing meaning of "gross receipts" prior to January 1, 1996 (the effective date of Public Act 89-325).

"Person" as used in this Section means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation, the State or any of its political subdivisions, any State university created by statute, or a receiver, trustee, guardian or other representative appointed by order of any court.

"Person maintaining a place of business in this State" shall mean any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

"Public utility" shall have the meaning ascribed to it in Section 3-105 of the Public Utilities Act and shall include alternative retail electric suppliers as defined in Section 16-102 of that Act.

"Purchase at retail" shall mean any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility directly in the generation, production, transmission, delivery or sale of electricity.

"Purchaser" shall mean any person who uses or consumes, within the corporate limits of the municipality, electricity acquired in a purchase at retail.

(e) Any municipality that imposes taxes upon public utilities or upon the privilege of using or consuming electricity pursuant to this Section whose territory includes any part of an enterprise zone, Energy Transition Zone, or federally designated Foreign Trade Zone or Sub-Zone may, by a majority vote of its corporate authorities, exempt from those taxes for a period not exceeding 20 years any specified percentage of gross receipts of public utilities received from, or electricity used or consumed by, business enterprises or green energy enterprises that:

(1) either (i) make investments that cause the creation of a minimum of 200 full-time equivalent jobs in Illinois, (ii) make investments of at least $175,000,000 that cause the creation of a minimum of 150 full-time equivalent jobs in Illinois, or (iii) make investments that cause the retention of a minimum of 1,000 full-time jobs in Illinois; and

(2) are either (i) located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act or (ii) Department of Commerce and Economic Opportunity designated High Impact Businesses located in a federally designated Foreign Trade Zone or Sub-Zone; or (iii) located in an Energy Transition Zone established pursuant to the Illinois Energy Transition Zone Act; and

(3) are certified by the Department of Commerce and Economic Opportunity as complying with the requirements specified in clauses (1) and (2) of this paragraph (e).

Upon adoption of the ordinance authorizing the exemption, the municipal clerk shall transmit a copy of that ordinance to the Department of Commerce and Economic Opportunity. The Department of Commerce and Economic Opportunity shall determine whether the business enterprises or green energy enterprises located in the municipality meet the criteria prescribed in this paragraph. If the Department of Commerce and Economic Opportunity determines that the business enterprises or green energy enterprises meet the criteria, it shall grant certification. The Department of Commerce and Economic Opportunity shall act upon certification requests within 30 days after receipt of the ordinance.

Upon certification of the business enterprise or green energy enterprises by the Department of Commerce and Economic Opportunity, the Department of Commerce and Economic Opportunity shall notify the Department of Revenue of the certification. The Department of Revenue shall notify the public utilities of the exemption status of the gross receipts received from, and the electricity used or consumed by, the certified business enterprises and certified green energy enterprises. Such exemption status shall be effective within 3 months after certification.

(f) A municipality that imposes taxes upon public utilities or upon the privilege of using or consuming electricity under this Section and whose territory includes part of another unit of local government or a school district may by ordinance exempt the other unit of local government or school district from those taxes.

(g) The amendment of this Section by Public Act 84-127 shall take precedence over any other amendment of this Section by any other amendatory Act passed by the 84th General Assembly before August 1, 1985 (the effective date of Public Act 84-127).

(h) In any case in which, before July 1, 1992, a person engaged in the business of transmitting messages through the use of mobile equipment, such as cellular phones and paging systems, has determined the municipality within which the gross receipts from the business originated by reference to the location of its transmitting or switching equipment, then (i) neither the municipality to which tax was paid on that basis nor the taxpayer that paid tax on that basis shall be required to rebate, refund, or issue credits for any such tax or charge collected from customers to reimburse the taxpayer for the tax and (ii) no municipality to which tax would have been paid with respect to those gross receipts if the provisions of Public Act 87-773 had been in effect before July 1, 1992, shall have any claim against the taxpayer for any amount of the tax.
(Source: P.A. 100-201, eff. 8-18-17.)

Section 10-35. The Public Utilities Act is amended by changing Sections 9-221 and 9-222 and by adding Section 9-222.1b as follows:

(220 ILCS 5/9-221) (from Ch. 111 2/3, par. 9-221)

Sec. 9-221. Whenever a municipality pursuant to Section 8-11-2 of the Illinois Municipal Code, as heretofore and hereafter amended, imposes a tax on any public utility, such utility may charge its customers, other than customers who are certified business enterprises or certified green energy enterprises under paragraph (e) of Section 8-11-2 of the Illinois Municipal Code or are exempted from those taxes under paragraph (f) of that Section, to the extent of such exemption and during the period in which such exemption is in effect, in addition to any rate authorized by this Act, an additional charge equal to the sum of (1) an amount equal to such municipal tax, or any part thereof (2) 3% of such tax, or any part thereof, as the case may be, to cover costs of accounting, and (3) an amount equal to the increase in taxes and other payments to governmental bodies resulting from the amount of such additional charge. Such utility shall file with the Commission a true and correct copy of the municipal ordinance imposing such tax; and also shall file with the Commission a supplemental schedule applicable to such municipality which shall specify such additional charge and which shall become effective upon filing without further notice. Such additional charge shall be shown separately on the utility bill to each customer. The Commission shall have power to investigate whether or not such supplemental schedule correctly specifies such additional charge, but shall have no power to suspend such supplemental schedule. If the Commission finds, after a hearing, that such supplemental schedule does not correctly specify such additional charge, it shall by order require a refund to the appropriate customers of the excess, if any, with interest, in such manner as it shall deem just and

reasonable, and in and by such order shall require the utility to file an amended supplemental schedule corresponding to the finding and order of the Commission.
(Source: P.A. 87-895; 88-132.)

(220 ILCS 5/9-222) (from Ch. 111 2/3, par. 9-222)

Sec. 9-222. Whenever a tax is imposed upon a public utility engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption pursuant to Section 2 of the Gas Revenue Tax Act, or whenever a tax is required to be collected by a delivering supplier pursuant to Section 2-7 of the Electricity Excise Tax Act, or whenever a tax is imposed upon a public utility pursuant to Section 2-202 of this Act, such utility may charge its customers, other than customers who are high impact businesses under Section 5.5 of the Illinois Enterprise Zone Act, or certified business enterprises under Section 9-222.1 of this Act, or certified green energy enterprises under Section 9-221.B, to the extent of such exemption and during the period in which such exemption is in effect, in addition to any rate authorized by this Act, an additional charge equal to the total amount of such taxes. The exemption of this Section relating to high impact businesses shall be subject to the provisions of subsections (a), (b), and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act. This requirement shall not apply to taxes on invested capital imposed pursuant to the Messages Tax Act, the Gas Revenue Tax Act and the Public Utilities Revenue Act. Such utility shall file with the Commission a supplemental schedule which shall specify such additional charge and which shall become effective upon filing without further notice. Such additional charge shall be shown separately on the utility bill to each customer. The Commission shall have the power to investigate whether or not such supplemental schedule correctly specifies such additional charge, but shall have no power to suspend such supplemental schedule. If the Commission finds, after a hearing, that such supplemental schedule does not correctly specify such additional charge, it shall by order require a refund to the appropriate customers of the excess, if any, with interest, in such manner as it shall deem just and reasonable, and in and by such order shall require the utility to file an amended supplemental schedule corresponding to the finding and order of the Commission. Except with respect to taxes imposed on invested capital, such tax liabilities shall be recovered from customers solely by means of the additional charges authorized by this Section.
(Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01.)

(220 ILCS 5/9-222.1b new)

Sec. 9-222.1b. Green energy enterprises. A green energy enterprise as defined in the Illinois Energy Transition Zone Act, which is located within an area designated by a county or municipality as an Energy Transition Zone pursuant to the Illinois Energy Transition Zone Act shall be exempt from the additional charges added to the green energy enterprise's utility bills as a pass-on of municipal and State utility taxes under Sections 9-221 and 9-222 of this Act, to the extent such charges are exempted by ordinance adopted in accordance with paragraph (e) of Section 8-11-2 of the Illinois Municipal Code in the case of municipal utility taxes, and to the extent such charges are exempted by the percentage specified by the Department of Commerce and Economic Opportunity in the case of State utility taxes, provided such green energy enterprise meets the following criteria:

(1) it (i) makes investments which cause the creation of a minimum of 200 full-time equivalent jobs in an Energy Transition Zone; (ii) makes investments of at least $175,000,000 which cause the creation of a minimum of 150 full-time equivalent jobs in an Energy Transition Zone; or (iii) makes investments which cause the retention of a minimum of 1,000 full-time jobs in an Energy Transition Zone; and

(2) it is located in an Energy Transition Zone established pursuant to the Illinois Energy Transition Zone Act; and

(3) it is certified by the Department of Commerce and Economic Opportunity as complying with the requirements specified in clauses (1) and (2) of this Section.

The Department of Commerce and Economic Opportunity shall determine the period during which such exemption from the charges imposed under Section 9-222 is in effect which shall not exceed 30 years or the certified term of the energy transition Zone, whichever period is shorter.

The Department of Commerce and Economic Opportunity shall have the power to adopt rules to carry out the provisions of this Section including procedures for complying with the requirements specified in clauses (1) and (2) of this Section and procedures for applying for the exemptions authorized under this Section; to define the amounts and types of eligible investments which green energy enterprises must make in order to receive State utility tax exemptions pursuant to Sections 9-222 and 9-222.1B of this Act; to approve such utility tax exemptions for green energy enterprises whose investments are not yet placed in service; and to require that green energy enterprises granted tax exemptions repay the exempted tax should

the green energy enterprise fail to comply with the terms and conditions of the certification. However, no green energy enterprise shall be required, as a condition for certification under clause (3) of this Section, to attest that its decision to invest under clause (1) of this Section and to locate under clause (2) of this Section is predicated upon the availability of the exemptions authorized by this Section.

A green energy enterprise shall be exempt, in whole or in part, from the pass-on charges of municipal utility taxes imposed under Section 9-221, only if it meets the criteria specified in clauses (1) through (3) of this Section and the municipality has adopted an ordinance authorizing the exemption under paragraph (e) of Section 8-11-2 of the Illinois Municipal Code. Upon certification of the green energy enterprises by the Department of Commerce and Economic Opportunity, the Department of Commerce and Economic Opportunity shall notify the Department of Revenue of such certification. The Department of Revenue shall notify the public utilities of the exemption status of green energy enterprises from the pass-on charges of State and municipal utility taxes. Such exemption status shall be effective within 3 months after certification of the green energy enterprise.

Article 99. Effective date

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1747

AMENDMENT NO. 3 . Amend Senate Bill 1747, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 6, immediately below line 12, by inserting the following:

"(e) Green energy enterprise projects receiving incentives under this Act shall comply with the requirements of the Prevailing Wage Act."; and

on page 109, immediately below line 18, by inserting the following:

"Section 10-40. The Prevailing Wage Act is amended by changing Section 2 as follows:

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

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

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

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

facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act. "Public works" also includes projects qualifying for incentives under the Illinois Energy Transition Zone Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

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

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

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

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

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.
(Source: P.A. 100-1177, eff. 6-1-19.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 1747

AMENDMENT NO. 4 . Amend Senate Bill 1747, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 9, line 19, by replacing "July 31," with "July 31, 2021,"; and

on page 21, immediately below line 20, by inserting the following:

"(e) If the Department determines that 80% or more of the businesses receiving tax incentives because of their location within a particular Energy Transition Zone failed to submit the information required under subsection (a) to the Department of Revenue in any calendar year, then the Energy Transition Zone may be decertified by the Department. If the Department is able to determine that specific businesses are failing to submit to the Zone Administrator the information required under subsection (a) to be submitted to the Department of Revenue, regardless of the Administrator's efforts to enforce reporting, the Department may, in its discretion, suspend the benefits to the specific business rather than decertifying the particular Energy Transition Zone."; and

on page 21, line 21, by replacing "(f)" with "(e)"; and

on page 46, line 2, by replacing "curation" with "duration"; and

on page 50, line 1, by replacing "(C)" with "(D)"; and

by deleting everything from line 10 on page 75 through line 14 on page 79.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2, 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Bush, **Senate Bill No. 1747** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 46; NAYS 11.

The following voted in the affirmative:

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

The following voted in the negative:

Bailey	McConchie	Stewart	Turner, S.
Barickman	Plummer	Stoller	Wilcox
DeWitte	Rose	Tracy	

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

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

SENATE BILL RECALLED

On motion of Senator Martwick, **Senate Bill No. 2103** was recalled from the order of third reading to the order of second reading.

Senator Martwick offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 2103

AMENDMENT NO. 4 . Amend Senate Bill 2103, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 1, by replacing "24-104" with "24-102"; and

on page 3, line 1, by replacing "July 1, 2022" with "July 1, 2023"; and

by replacing line 19 on page 7 through line 24 on page 8 with the following:

"(40 ILCS 5/24-102) (from Ch. 108 1/2, par. 24-102)

Sec. 24-102. As used in this Article, "employee" means any person, including a person elected, appointed or under contract, receiving compensation from the State or a unit of local government or school district for personal services rendered, including salaried persons. However, "employee", for the purposes of the State Employees Deferred Compensation Plan established under Section 24-104, does not include a person employed by an employer under Section 15-106 who first becomes a participant of the retirement system under Article 15 on or after July 1, 2023 unless the person has made an election to defer compensation into the State Employees Deferred Compensation Plan under a written agreement and the deferral election is in effect as of June 30, 2023. A health care provider who elects to participate in the State Employees Deferred Compensation Plan established under Section 24-104 of this Code shall, for purposes of that participation, be deemed an "employee" as defined in this Section.

As used in this Article, "health care provider" means a dentist, physician, optometrist, pharmacist, or podiatric physician that participates and receives compensation as a provider under the Illinois Public Aid Code, the Children's Health Insurance Act, or the Covering ALL KIDS Health Insurance Act.

As used in this Article, "compensation" includes compensation received in a lump sum for accumulated unused vacation, personal leave or sick leave, with the exception of health care providers. "Compensation" with respect to health care providers is defined under the Illinois Public Aid Code, the Children's Health Insurance Act, or the Covering ALL KIDS Health Insurance Act.

Where applicable, in no event shall the total of the amount of deferred compensation of an employee set aside in relation to a particular year under the Illinois State Employees Deferred Compensation Plan and the employee's nondeferred compensation for that year exceed the total annual salary or compensation under the existing salary schedule or classification plan applicable to such employee in such year; except that any compensation received in a lump sum for accumulated unused vacation, personal leave or sick leave shall not be included in the calculation of such totals.

(Source: P.A. 98-214, eff. 8-9-13.)".

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 Martwick, **Senate Bill No. 2103** 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 2.

The following voted in the affirmative:

Anderson	Ellman	Lightford	Stoller
Aquino	Feigenholtz	Loughran Cappel	Syverson
Barickman	Fine	Martwick	Tracy
Belt	Fowler	McConchie	Turner, D.
Bennett	Gillespie	Morrison	Turner, S.
Bryant	Glowiak Hilton	Muñoz	Van Pelt
Bush	Harris	Murphy	Villa
Castro	Hastings	Pacione-Zayas	Villanueva
Collins	Holmes	Peters	Villivalam

Connor	Hunter	Plummer	Wilcox
Crowe	Johnson	Rezin	Mr. President
Cullerton, T.	Jones, E.	Simmons	
Cunningham	Joyce	Sims	
Curran	Koehler	Stadelman	
DeWitte	Landek	Stewart	

The following voted in the negative:

Bailey
Rose

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

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

On motion of Senator Harris, **Senate Bill No. 2112** 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:

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

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

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

On motion of Senator Harris, **Senate Bill No. 2411** 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:

Anderson	DeWitte	Landek	Sims
Aquino	Ellman	Lightford	Stadelman

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

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

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

On motion of Senator Rose, **Senate Bill No. 2520** 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; NAY 1.

The following voted in the affirmative:

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

The following voted in the negative:

Plummer

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

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

SENATE BILL RECALLED

On motion of Senator Rose, **Senate Bill No. 2663** was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 1 and 2 were withdrawn by the sponsor.

Senator Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2663

AMENDMENT NO. 3 . Amend Senate Bill 2663 by replacing everything after the enacting clause with the following:

"Section 5. The Public Water District Act is amended by adding Section 28.2 as follows:
(70 ILCS 3705/28.2 new)
Sec. 28.2. Sangamon Valley Public Water District annexation.
(a) The General Assembly finds:

(1) Due to a natural gas leak in December 2016, multiple water wells connected to the Mahomet Aquifer, one of the largest sources of water in the State of Illinois, were contaminated with methane, so much so, that numerous homeowners are without potable water.

(2) The issue of methane contamination of the State of Illinois' water supply has become a statewide issue and resulted in the Illinois Attorney General having litigation pending over the contamination. On December 21, 2018, the Mahomet Aquifer Task Force issued their report specifically addressing this incident and future incidents and stressed the need to provide State government, legislative, and monetary relief so immediate remediation may begin.

(3) The area residents have been without safe water service for 4 years.

(4) The cost of expanding infrastructure to the area is estimated around $10,000,000. The Sangamon Valley Public Water District is not a taxing body, but rather operates on fees for provided water service and to initiate construction would require an initial sum of $3,800,000.

(5) In June 2020, in recognition of this Illinois water-source crisis, the General Assembly passed, and the Governor signed a Capital Bill appropriating $3,800,000 required for initiation of the plan to bring water to this area of the State.

(6) An addition to funding, the affected area needs to be annexed into a water district territory for such district to be able to lawfully expend funds to benefit the territory and the current statutory annexation procedure is insufficient to address the crisis and does not provide for nor contemplate an expedited procedure in the event of water contamination.

(b) Notwithstanding any other provision of law, on the effective date of this amendatory Act of the 102nd General Assembly, the following property is annexed into the territory of the Sangamon Valley Public Water District:

SECTION 1, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 2, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 3, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 47;
SECTION 10, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 47 AND LYING NORTH OF INTERSTATE 74;
SECTION 11, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 12, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 13, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF INTERSTATE 74;
SECTION 14, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF INTERSTATE 74;
SECTION 15, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF INTERSTATE 74;

SECTION 24, TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF INTERSTATE 74;
WEST HALF OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 6, TOWNSHIP 20 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 7, TOWNSHIP 20 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
WEST HALF OF SECTION 8, TOWNSHIP 20 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
WEST HALF OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 18, TOWNSHIP 20 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 19, TOWNSHIP 20 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF INTERSTATE 74;
WEST HALF OF SECTION 20, TOWNSHIP 20 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF INTERSTATE 74;
SECTION 8, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 9, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 10, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 13, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 14, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 16, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 17, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 20, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 21, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 22, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 23, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 24, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 25, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 26, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 27, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 28, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 29, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
NORTH HALF OF SECTION 32, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
NORTH HALF OF SECTION 33, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;

SECTION 34, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART OF THE SOUTH HALF LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 47;
SECTION 35, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 36, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 17, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 18, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 19, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 20, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 29, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 30, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 31, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
SECTION 32, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN;
ALL IN CHAMPAIGN COUNTY, ILLINOIS.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Rose, **Senate Bill No. 2663** 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:

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

Curran	Koehler	Sims
DeWitte	Landek	Stadelman

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

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

At the hour of 2:00 o'clock p.m., Senator Koehler, presiding.

SENATE BILL RECALLED

On motion of Senator Crowe, **Senate Bill No. 769** was recalled from the order of third reading to the order of second reading.

Senator Crowe offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 769

AMENDMENT NO. 1 . Amend Senate Bill 769 by replacing everything after the enacting clause with the following:

"Section 5. The Home Repair Fraud Act is amended by changing Section 3 as follows:

(815 ILCS 515/3) (from Ch. 121 1/2, par. 1603)

Sec. 3. Home Repair Fraud.

(a) A person commits the offense of home repair fraud when he knowingly enters into an agreement or contract, written or oral, with a person for home repair, and he knowingly:

(1) Misrepresents a material fact relating to the terms of the contract or agreement or the preexisting or existing condition of any portion of the property involved, or creates or confirms another's impression which is false and which he does not believe to be true, or promises performance which he does not intend to perform or knows will not be performed; or

(2) uses or employs any deception, false pretense or false promises in order to induce, encourage or solicit such person to enter into any contract or agreement; or

(3) enters into an unconscionable agreement or contract requiring payment to the contractor of at least $4,000. A contract is unconscionable within the meaning of this Act when an unreasonable difference exists between the value of the services, materials and work to be performed and the amount charged for those services, materials and work. For purposes of this Section, prima facie evidence shall exist that the contract or agreement is unconscionable if the total payment called for by the contract or agreement is in excess of four times the fair market value for those services, materials and work; or

(4) fails to comply with the provisions of "An Act in relation to the use of an assumed name in the conduct or transaction of business in this State", approved July 17, 1941, as amended, and misrepresents or conceals either his real name, the name of his business, or his business address.

(b) A person commits the offense of home repair fraud when he knowingly:

(1) damages the property of a person with the intent to enter into an agreement or contract for home repair; ~~or~~

(2) misrepresents himself or another to be an employee or agent of any unit of the federal, State or municipal government or any other governmental unit, or an employee or agent of any public utility, with the intent to cause a person to enter into, with himself or another, any contract or agreement for home repair; or ~~.~~

(3) promises performance which the person knows will not be completed at any time during the performance of the service.

(c) For purposes of subsection (a), paragraph (1), it shall be a rebuttable presumption of intent or knowledge that a person promises performance which he does not intend to perform and knows will not be performed when, after no performance or no substantial performance of a contract or agreement for home repair, he fails or refuses to return payments made by the victim and he:

(1) fails to acknowledge or respond to a written demand for commencement or completion of home repair within 10 days after such demand is mailed or presented to him by the victim or by the victim's legal representative or by a law enforcement or consumer agency acting on behalf of the victim; or

(2) fails to notify the victim in writing of a change of business name or address prior to the completion of the home repair; or

(3) makes false statements or representations to the victim to excuse his non-performance or non-substantial performance; or

(4) uses deception to obtain the victim's consent to modification of the terms of the original contract or agreement; or

(5) fails to employ qualified personnel necessary to perform the home repair; or

(6) fails to order or purchase the basic materials required for performance of the home repair; or

(7) fails to comply with municipal, county, State or federal regulations or codes relating to the performance of home repair.

Intent and knowledge shall be determined by an evaluation of all circumstances surrounding a transaction and the determination shall not be limited to the time of contract or agreement.

Substantial performance shall not include work performed in a manner of little or no value or work that fails to comply with the appropriate municipal, county, State or federal regulations or codes.
(Source: P.A. 87-820.)".

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 Crowe, **Senate Bill No. 769** 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:

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

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

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

SENATE BILL RECALLED

On motion of Senator E. Jones III, **Senate Bill No. 1078** was recalled from the order of third reading to the order of second reading.

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

Senator E. Jones III offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1078

AMENDMENT NO. 2 . Amend Senate Bill 1078 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Athletic Trainers Practice Act is amended by adding Section 4.5 as follows:

(225 ILCS 5/4.5 new)

Sec. 4.5. Use of dry needling.

(a) For the purpose of this Act, "dry needling", also known as intramuscular therapy, means an advanced needling skill or technique limited to the treatment of myofascial pain, using a single use, single insertion, sterile filiform needle (without the use of heat, cold, or any other added modality or medication), that is inserted into the skin or underlying tissues to stimulate trigger points. Dry needling may apply theory based only upon Western medical concepts, requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. "Dry needling" does not include the teaching or application of acupuncture described by the stimulation of auricular points, utilization of distal points or non-local points, needle retention, application of retained electric stimulation leads, or other acupuncture theory.

(b) An athletic trainer licensed under this Act may only perform dry needling after completion of requirements, as determined by the Department by rule, that meet or exceed the following: (1) 50 hours of instructional courses that include, but are not limited to, studies in the musculoskeletal and neuromuscular system, the anatomical basis of pain mechanisms, chronic pain, and referred pain, myofascial trigger point theory, and universal precautions; (2) completion of at least 30 hours of didactic course work specific to dry needling; (3) successful completion of at least 54 practicum hours in dry needling course work; (4) completion of at least 200 supervised patient treatment sessions; and (5) successful completion of a competency examination. Dry needling shall only be performed by a licensed athletic trainer upon referral.

Section 10. The Illinois Occupational Therapy Practice Act is amended by changing Section 2 and by adding Section 3.7 as follows:

(225 ILCS 75/2) (from Ch. 111, par. 3702)

(Section scheduled to be repealed on January 1, 2024)

Sec. 2. Definitions. In this Act:

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(3) "Board" means the Illinois Occupational Therapy Licensure Board appointed by the Secretary.

(4) "Occupational therapist" means a person initially registered and licensed to practice occupational therapy as defined in this Act, and whose license is in good standing.

(5) "Occupational therapy assistant" means a person initially registered and licensed to assist in the practice of occupational therapy under the supervision of a licensed occupational therapist, and to implement the occupational therapy treatment program as established by the licensed occupational therapist.

(6) "Occupational therapy" means the therapeutic use of purposeful and meaningful occupations or goal-directed activities to evaluate and provide interventions for individuals, groups, and populations who have a disease or disorder, an impairment, an activity limitation, or a participation restriction that interferes with their ability to function independently in their daily life roles, including activities of daily living (ADLs) and instrumental activities of daily living (IADLs). Occupational therapy services are provided for the purpose of habilitation, rehabilitation, and to promote health and wellness. Occupational therapy may be provided via technology or telecommunication methods, also known as telehealth, however the standard of care shall be the same whether a patient is seen in person, through telehealth, or other method of electronically enabled health care. Occupational therapy practice may include any of the following:

(a) remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological, or neurological processes;

(b) modification or adaptation of task, process, or the environment or the teaching of compensatory techniques in order to enhance performance;

(c) disability prevention methods and techniques that facilitate the development or safe application of performance skills; and

(d) health and wellness promotion strategies, including self-management strategies, and practices that enhance performance abilities.

The licensed occupational therapist or licensed occupational therapy assistant may assume a variety of roles in his or her career including, but not limited to, practitioner, supervisor of professional students and volunteers, researcher, scholar, consultant, administrator, faculty, clinical instructor, fieldwork educator, and educator of consumers, peers, and family.

(7) "Occupational therapy services" means services that may be provided to individuals, groups, and populations, when provided to treat an occupational therapy need, including the following:

(a) evaluating, developing, improving, sustaining, or restoring skills in activities of daily living, work, or productive activities, including instrumental activities of daily living and play and leisure activities;

(b) evaluating, developing, remediating, or restoring sensorimotor, cognitive, or psychosocial components of performance with considerations for cultural context and activity demands that affect performance;

(c) designing, fabricating, applying, or training in the use of assistive technology, adaptive devices, seating and positioning, or temporary, orthoses and training in the use of orthoses and prostheses;

(d) adapting environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles;

(e) for the occupational therapist or occupational therapy assistant possessing advanced training, skill, and competency as demonstrated through criteria that shall be determined by the Department, applying physical agent modalities, including dry needling, as an adjunct to or in preparation for engagement in occupations;

(f) evaluating and providing intervention in collaboration with the client, family, caregiver, or others;

(g) educating the client, family, caregiver, or others in carrying out appropriate nonskilled interventions;

(h) consulting with groups, programs, organizations, or communities to provide population-based services;

(i) assessing, recommending, and training in techniques to enhance functional mobility, including wheelchair management;

(j) driver rehabilitation and community mobility;

(k) management of feeding, eating, and swallowing to enable or enhance performance of these tasks;

(l) low vision rehabilitation;

(m) lymphedema and wound care management;

(n) pain management; and

(o) care coordination, case management, and transition services.

(8) (Blank).

(9) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and those changes must be made either through the Department's website or by contacting the Department.

(Source: P.A. 98-264, eff. 12-31-13.)

(225 ILCS 75/3.7 new)

Sec. 3.7. Use of dry needling.

(a) For the purpose of this Act, "dry needling", also known as intramuscular therapy, means an advanced needling skill or technique limited to the treatment of myofascial pain, using a single use, single insertion, sterile filiform needle (without the use of heat, cold, or any other added modality or medication), that is inserted into the skin or underlying tissues to stimulate trigger points. Dry needling may apply theory

based only upon Western medical concepts, requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. "Dry needling" does not include the teaching or application of acupuncture described by the stimulation of auricular points, utilization of distal points or non-local points, needle retention, application of retained electric stimulation leads, or other acupuncture theory.

(b) An occupational therapist licensed under this Act may only perform dry needling after completion of requirements, as determined by the Department by rule, that meet or exceed the following: (1) 50 hours of instructional courses that include, but are not limited to, studies in the musculoskeletal and neuromuscular system, the anatomical basis of pain mechanisms, chronic pain, and referred pain, myofascial trigger point theory, and universal precautions; (2) completion of at least 30 hours of didactic course work specific to dry needling; (3) successful completion of at least 54 practicum hours in dry needling course work; (4) completion of at least 200 supervised patient treatment sessions; and (5) successful completion of a competency examination. Dry needling shall only be performed by a licensed occupational therapist upon referral.

Section 15. The Illinois Physical Therapy Act is amended by changing Sections 1 and 1.5 as follows:

(225 ILCS 90/1) (from Ch. 111, par. 4251)

(Section scheduled to be repealed on January 1, 2026)

Sec. 1. Definitions. As used in this Act:

(1) "Physical therapy" means all of the following:

(A) Examining, evaluating, and testing individuals who may have mechanical, physiological, or developmental impairments, functional limitations, disabilities, or other health and movement-related conditions, classifying these disorders, determining a rehabilitation prognosis and plan of therapeutic intervention, and assessing the ongoing effects of the interventions.

(B) Alleviating impairments, functional limitations, or disabilities by designing, implementing, and modifying therapeutic interventions that may include, but are not limited to, the evaluation or treatment of a person through the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air and use of therapeutic massage, therapeutic exercise, mobilization, dry needling, and rehabilitative procedures, with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental impairment, functional limitation, or disability.

(C) Reducing the risk of injury, impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and wellness.

(D) Engaging in administration, consultation, education, and research.

"Physical therapy" includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from physicians, dentists, advanced practice registered nurses, physician assistants, and podiatric physicians, (d) establishment, and modification of physical therapy treatment programs, (e) administration of topical medication used in generally accepted physical therapy procedures when such medication is either prescribed by the patient's physician, licensed to practice medicine in all its branches, the patient's physician licensed to practice podiatric medicine, the patient's advanced practice registered nurse, the patient's physician assistant, or the patient's dentist or used following the physician's orders or written instructions, (f) supervision or teaching of physical therapy, and (g) dry needling in accordance with Section 1.5. "Physical therapy" does not include radiology, electrosurgery, acupuncture, chiropractic technique or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist licensed under this Act from performing an evaluation and establishing a physical therapy treatment plan pursuant to such license. Nothing in this Section shall limit a physical therapist from employing appropriate physical therapy techniques that he or she is educated and licensed to perform.

(2) "Physical therapist" means a person who practices physical therapy and who has met all requirements as provided in this Act.

(3) "Department" means the Department of Professional Regulation.

(4) "Director" means the Director of Professional Regulation.

(5) "Board" means the Physical Therapy Licensing and Disciplinary Board approved by the Director.

(6) "Referral" means a written or oral authorization for physical therapy services for a patient by a physician, dentist, advanced practice registered nurse, physician assistant, or podiatric physician who

maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a physical therapist.

(7) (Blank).

(8) "State" includes:

(a) the states of the United States of America;

(b) the District of Columbia; and

(c) the Commonwealth of Puerto Rico.

(9) "Physical therapist assistant" means a person licensed to assist a physical therapist and who has met all requirements as provided in this Act and who works under the supervision of a licensed physical therapist to assist in implementing the physical therapy treatment program as established by the licensed physical therapist. The patient care activities provided by the physical therapist assistant shall not include the interpretation of referrals, evaluation procedures, or the planning or major modification of patient programs.

(10) "Physical therapy aide" means a person who has received on the job training, specific to the facility in which he is employed.

(11) "Advanced practice registered nurse" means a person licensed as an advanced practice registered nurse under the Nurse Practice Act.

(12) "Physician assistant" means a person licensed under the Physician Assistant Practice Act of 1987.

(13) "Health care professional" means a physician, dentist, podiatric physician, advanced practice registered nurse, or physician assistant.

(Source: P.A. 99-173, eff. 7-29-15; 99-229, eff. 8-3-15; 99-642, eff. 7-28-16; 100-201, eff. 8-18-17; 100-418, eff. 8-25-17; 100-513, eff. 1-1-18; 100-863, eff. 8-14-18; 100-897, eff. 8-16-18.)

(225 ILCS 90/1.5)

(Section scheduled to be repealed on January 1, 2026)

Sec. 1.5. Dry needling.

(a) For the purpose of this Act, "dry needling", also known as intramuscular therapy, means an advanced needling skill or technique limited to the treatment of myofascial pain, using a single use, single insertion, sterile filiform needle (without the use of heat, cold, or any other added modality or medication), that is inserted into the skin or underlying tissues to stimulate trigger points. Dry needling may apply theory based only upon Western medical concepts, requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. Dry needling does not include the teaching or application of acupuncture described by the stimulation of auricular points, utilization of distal points or non-local points, needle retention, application of retained electric stimulation leads, or ~~the teaching or application of~~ other acupuncture theory.

(b) A physical therapist licensed under this Act may only perform dry needling after completion of requirements, as determined by the Department by rule, that meet or exceed the following: (1) 50 hours of instructional courses that include, but are not limited to, studies in the musculoskeletal and neuromuscular system, the anatomical basis of pain mechanisms, chronic and referred pain, myofascial trigger point theory, and universal precautions; (2) completion of at least 30 hours of didactic course work specific to dry needling; (3) successful completion of at least 54 practicum hours in dry needling course work; (4) completion of at least 200 supervised patient treatment sessions; and (5) successful completion of a competency examination. Dry needling shall only be performed by a licensed physical therapist. ~~A physical therapist licensed under this Act may only perform dry needling under the following conditions as determined by the Department by rule:~~

~~(1) Prior to completion of the education under paragraph (2) of this subsection, successful completion of 50 hours of instruction in the following areas:~~

~~(A) the musculoskeletal and neuromuscular system;~~

~~(B) the anatomical basis of pain mechanisms, chronic pain, and referred pain;~~

~~(C) myofascial trigger point theory; and~~

~~(D) universal precautions.~~

~~(2) Completion of at least 30 hours of didactic course work specific to dry needling.~~

~~(3) Successful completion of at least 54 practicum hours in dry needling course work approved by the Federation of State Boards of Physical Therapy or its successor (or substantial equivalent), as determined by the Department. Each instructional course shall specify what anatomical regions are included in the instruction and describe whether the course offers introductory or advanced instruction in dry needling. Each instruction course shall include the following areas:~~

~~(A) dry needling technique;~~
~~(B) dry needling indications and contraindications;~~
~~(C) documentation of dry needling;~~
~~(D) management of adverse effects;~~
~~(E) practical psychomotor competency; and~~
~~(F) the Occupational Safety and Health Administration's Bloodborne Pathogens standard.~~

~~Postgraduate classes qualifying for completion of the mandated 54 hours of dry needling shall be in one or more modules, with the initial module being no fewer than 27 hours, and therapists shall complete at least 54 hours in no more than 12 months.~~

~~(4) Completion of at least 200 patient treatment sessions under supervision as determined by the Department by rule.~~

~~(5) Successful completion of a competency examination as approved by the Department.~~

~~Each licensee is responsible for maintaining records of the completion of the requirements of this subsection (b) and shall be prepared to produce such records upon request by the Department.~~

(c) (Blank). ~~A newly-licensed physical therapist shall not practice dry needling for at least one year from the date of initial licensure unless the practitioner can demonstrate compliance with subsection (b) through his or her pre-licensure educational coursework.~~

(d) (Blank). ~~Dry needling may only be performed by a licensed physical therapist and may not be delegated to a physical therapist assistant or support personnel.~~

(e) (Blank). ~~A physical therapist shall not advertise, describe to patients or the public, or otherwise represent that dry needling is acupuncture, nor shall he or she represent that he or she practices acupuncture unless separately licensed under the Acupuncture Practice Act.~~

(Source: P.A. 100-418, eff. 8-25-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator E. Jones III offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1078

AMENDMENT NO. 3 . Amend Senate Bill 1078, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, as follows:

on page 7, line 21, after "therapist", by inserting "or occupational therapy assistant"; and

on page 8, line 9, after "therapist", by inserting "or licensed occupational therapy assistant"; and

on page 8, line 12, after "Sections 1", by inserting ", 1.2,"; and

on page 12, immediately below line 11, by inserting the following:

"(225 ILCS 90/1.2)

(Section scheduled to be repealed on January 1, 2026)

Sec. 1.2. Physical therapy services.

(a) A physical therapist may provide physical therapy services to a patient with or without a referral from a health care professional.

(b) A physical therapist providing services without a referral from a health care professional must notify the patient's treating health care professional within 5 business days after the patient's first visit that the patient is receiving physical therapy. This does not apply to physical therapy services related to fitness or wellness, unless the patient presents with an ailment or injury.

(b-5) A physical therapist providing services to a patient who has been diagnosed by a health care professional as having a chronic disease that may benefit from physical therapy must communicate at least monthly with the patient's treating health care professional to provide updates on the patient's course of therapy.

(c) A physical therapist shall refer a patient to the patient's treating health care professional of record or, in the case where there is no health care professional of record, to a health care professional of the patient's choice, if:

(1) the patient does not demonstrate measurable or functional improvement after 10 visits or 15 business days, whichever occurs first, and continued improvement thereafter;

(2) the patient was under the care of a physical therapist without a diagnosis established by a health care professional of a chronic disease that may benefit from physical therapy and returns for services for the same or similar condition after 30 calendar days of being discharged by the physical therapist; or

(3) the patient's condition, at the time of evaluation or services, is determined to be beyond the scope of practice of the physical therapist.

(d) Wound debridement services may only be provided by a physical therapist with written authorization from a health care professional.

(e) A physical therapist shall promptly consult and collaborate with the appropriate health care professional anytime a patient's condition indicates that it may be related to temporomandibular disorder so that a diagnosis can be made by that health care professional for an appropriate treatment plan.
(Source: P.A. 100-897, eff. 8-16-18.)"; and

on page 13, line 5, after "therapist", by inserting "or physical therapist assistant"; and

on page 13, line 18, after "therapist", by inserting "or licensed physical therapist assistant".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2 and 3 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 E. Jones III, **Senate Bill No. 1078** 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:

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

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

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

SENATE BILL RECALLED

On motion of Senator Hastings, **Senate Bill No. 1089** was recalled from the order of third reading to the order of second reading.

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

Floor Amendment No. 2 was held in the Committee on Executive.

Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1089

AMENDMENT NO. 3 . Amend Senate Bill 1089 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Sections 3.160, 3.330, 21, 22.15, 22.38, 31.1, and 42 as follows:

(415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a)

Sec. 3.160. Construction or demolition debris.

(a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

To the extent allowed by federal law, uncontaminated concrete with protruding rebar shall be considered clean construction or demolition debris and shall not be considered "waste" if it is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section.

(a-1) "General construction or demolition debris recovery facility" means a site or facility used to store or treat exclusively general construction or demolition debris, including, but not limited to, sorting, separating, or transferring, for recycling, reclamation, or reuse. For purposes of this definition, treatment includes altering the physical nature of the general construction or demolition debris, such as by size reduction, crushing, grinding, or homogenization, but does not include treatment designed to change the chemical nature of the general construction or demolition debris.

(b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, and, if used as fill material in a current or former quarry, mine, or other excavation, is used in accordance with the requirements of Section 22.51 of this Act and the rules adopted thereunder or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i), or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to

exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality.

For purposes of this subsection (b), reclaimed or other asphalt pavement shall not be considered speculatively accumulated if: (i) it is not commingled with any other clean construction or demolition debris or any waste; (ii) it is returned to the economic mainstream in the form of raw materials or products within 4 years after its generation; (iii) at least 25% of the total amount present at a site during a calendar year is transported off of the site during the next calendar year; and (iv) if used as a fill material, it is used in accordance with item (i) of the second paragraph of this subsection (b).

(c) For purposes of this Section, the term "uncontaminated soil" means soil that does not contain contaminants in concentrations that pose a threat to human health and safety and the environment.

(1) No later than one year after the effective date of this amendatory Act of the 96th General Assembly, the Agency shall propose, and, no later than one year after receipt of the Agency's proposal, the Board shall adopt, rules specifying the maximum concentrations of contaminants that may be present in uncontaminated soil for purposes of this Section. For carcinogens, the maximum concentrations shall not allow exposure to exceed an excess upper-bound lifetime risk of 1 in 1,000,000; provided that if the most stringent remediation objective or applicable background concentration for a contaminant set forth in 35 Ill. Adm. Code 742 is greater than the concentration that would allow exposure at an excess upper-bound lifetime risk of 1 in 1,000,000, the Board may consider allowing that contaminant in concentrations up to its most stringent remediation objective or applicable background concentration set forth in 35 Ill. Adm. Code 742 in soil used as fill material in a current or former quarry, mine, or other excavation in accordance with Section 22.51 or 22.51a of this Act and rules adopted under those Sections. Any background concentration set forth in 35 Ill. Adm. Code 742 that is adopted as a maximum concentration must be based upon the location of the quarry, mine, or other excavation where the soil is used as fill material.

(2) To the extent allowed under federal law and regulations, uncontaminated soil shall not be considered a waste.

(Source: P.A. 96-235, eff. 8-11-09; 96-1416, eff. 7-30-10; 97-137, eff. 7-14-11.)

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

Sec. 3.330. Pollution control facility.

(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:

(1) (blank);

(2) waste storage sites regulated under 40 CFR, Part 761.42;

(3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;

(4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;

(5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;

(6) sites or facilities used by any person to specifically conduct a landscape composting operation;

(7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;

(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);

(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(11.5) processing sites or facilities that receive only on-specification used oil, as defined in 35 Ill. Admin. Code 739, originating from used oil collectors for processing that is managed under 35 Ill. Admin. Code 739 to produce products for sale to off-site petroleum facilities, if these processing sites or facilities are: (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 federal census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local government has enacted an ordinance approving the location of the site or facility and provided funding for the site or facility; and (ii) in compliance with all applicable zoning requirements;

(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility regulated under ~~that accepts exclusively general construction or demolition debris and is operated and located in accordance with~~ Section 22.38 of this Act;

(14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products;

(15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station;

(16) a site or facility that temporarily holds in transit for 10 days or less, non-putrescible solid waste in original containers, no larger in capacity than 500 gallons, provided that such waste is further transferred to a recycling, disposal, treatment, or storage facility on a non-contiguous site and provided such site or facility complies with the applicable 10-day transfer requirements of the federal Resource Conservation and Recovery Act of 1976 and United States Department of Transportation hazardous material requirements. For purposes of this Section only, "non-putrescible solid waste" means waste other than municipal garbage that does not rot or become putrid, including, but not limited to, paints, solvent, filters, and absorbents;

(17) the portion of a site or facility located in a county with a population greater than 3,000,000 that has obtained local siting approval, under Section 39.2 of this Act, for a municipal waste incinerator on or before July 1, 2005 and that is used for wood combustion facilities for energy recovery that accept and burn only wood material, as included in a fuel specification approved by the Agency;

(18) a transfer station used exclusively for landscape waste, including a transfer station where landscape waste is ground to reduce its volume, where the landscape waste is held no longer than 24 hours from the time it was received;

(19) the portion of a site or facility that (i) is used for the composting of food scrap, livestock waste, crop residue, uncontaminated wood waste, or paper waste, including, but not limited to, corrugated paper or cardboard, and (ii) meets all of the following requirements:

(A) There must not be more than a total of 30,000 cubic yards of livestock waste in raw form or in the process of being composted at the site or facility at any one time.

(B) All food scrap, livestock waste, crop residue, uncontaminated wood waste, and paper waste must, by the end of each operating day, be processed and placed into an enclosed vessel in which air flow and temperature are controlled, or all of the following additional requirements must be met:

(i) The portion of the site or facility used for the composting operation must include a setback of at least 200 feet from the nearest potable water supply well.

(ii) The portion of the site or facility used for the composting operation must be located outside the boundary of the 10-year floodplain or floodproofed.

(iii) Except in municipalities with more than 1,000,000 inhabitants, the portion of the site or facility used for the composting operation must be located at least one-eighth of a mile from the nearest residence, other than a residence located on the same property as the site or facility.

(iv) The portion of the site or facility used for the composting operation must be located at least one-eighth of a mile from the property line of all of the following areas:

(I) Facilities that primarily serve to house or treat people that are immunocompromised or immunosuppressed, such as cancer or AIDS patients; people with asthma, cystic fibrosis, or bioaerosol allergies; or children under the age of one year.

(II) Primary and secondary schools and adjacent areas that the schools use for recreation.

(III) Any facility for child care licensed under Section 3 of the Child Care Act of 1969; preschools; and adjacent areas that the facilities or preschools use for recreation.

(v) By the end of each operating day, all food scrap, livestock waste, crop residue, uncontaminated wood waste, and paper waste must be (i) processed into windrows or other piles and (ii) covered in a manner that prevents scavenging by birds and animals and that prevents other nuisances.

(C) Food scrap, livestock waste, crop residue, uncontaminated wood waste, paper waste, and compost must not be placed within 5 feet of the water table.

(D) The site or facility must meet all of the requirements of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(E) The site or facility must not (i) restrict the flow of a 100-year flood, (ii) result in washout of food scrap, livestock waste, crop residue, uncontaminated wood waste, or paper waste from a 100-year flood, or (iii) reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity, such as by providing lagoons, holding tanks, or drainage around structures at the facility.

(F) The site or facility must not be located in any area where it may pose a threat of harm or destruction to the features for which:

(i) an irreplaceable historic or archaeological site has been listed under the National Historic Preservation Act (16 U.S.C. 470 et seq.) or the Illinois Historic Preservation Act;

(ii) a natural landmark has been designated by the National Park Service or the Illinois State Historic Preservation Office; or

(iii) a natural area has been designated as a Dedicated Illinois Nature Preserve under the Illinois Natural Areas Preservation Act.

(G) The site or facility must not be located in an area where it may jeopardize the continued existence of any designated endangered species, result in the destruction or adverse modification of the critical habitat for such species, or cause or contribute to the taking of any endangered or threatened species of plant, fish, or wildlife listed under the Endangered Species Act (16 U.S.C. 1531 et seq.) or the Illinois Endangered Species Protection Act;

(20) the portion of a site or facility that is located entirely within a home rule unit having a population of no less than 120,000 and no more than 135,000, according to the 2000 federal census, and that meets all of the following requirements:

(i) the portion of the site or facility is used exclusively to perform testing of a thermochemical conversion technology using only woody biomass, collected as landscape

waste within the boundaries of the home rule unit, as the hydrocarbon feedstock for the production of synthetic gas in accordance with Section 39.9 of this Act;

(ii) the portion of the site or facility is in compliance with all applicable zoning requirements; and

(iii) a complete application for a demonstration permit at the portion of the site or facility has been submitted to the Agency in accordance with Section 39.9 of this Act within one year after July 27, 2010 (the effective date of Public Act 96-1314);

(21) the portion of a site or facility used to perform limited testing of a gasification conversion technology in accordance with Section 39.8 of this Act and for which a complete permit application has been submitted to the Agency prior to one year from April 9, 2010 (the effective date of Public Act 96-887);

(22) the portion of a site or facility that is used to incinerate only pharmaceuticals from residential sources that are collected and transported by law enforcement agencies under Section 17.9A of this Act;

(23) the portion of a site or facility:

(A) that is used exclusively for the transfer of commingled landscape waste and food scrap held at the site or facility for no longer than 24 hours after their receipt;

(B) that is located entirely within a home rule unit having a population of (i) not less than 100,000 and not more than 115,000 according to the 2010 federal census, (ii) not less than 5,000 and not more than 10,000 according to the 2010 federal census, or (iii) not less than 25,000 and not more than 30,000 according to the 2010 federal census or that is located in the unincorporated area of a county having a population of not less than 700,000 and not more than 705,000 according to the 2010 federal census;

(C) that is permitted, by the Agency, prior to January 1, 2002, for the transfer of landscape waste if located in a home rule unit or that is permitted prior to January 1, 2008 if located in an unincorporated area of a county; and

(D) for which a permit application is submitted to the Agency to modify an existing permit for the transfer of landscape waste to also include, on a demonstration basis not to exceed 24 months each time a permit is issued, the transfer of commingled landscape waste and food scrap or for which a permit application is submitted to the Agency within 6 months of the effective date of this amendatory Act of the 100th General Assembly; and

(24) the portion of a municipal solid waste landfill unit:

(A) that is located in a county having a population of not less than 55,000 and not more than 60,000 according to the 2010 federal census;

(B) that is owned by that county;

(C) that is permitted, by the Agency, prior to July 10, 2015 (the effective date of Public Act 99-12); and

(D) for which a permit application is submitted to the Agency within 6 months after July 10, 2015 (the effective date of Public Act 99-12) for the disposal of non-hazardous special waste.

(b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

(3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 99-12, eff. 7-10-15; 99-440, eff. 8-21-15; 99-642, eff. 7-28-16; 100-94, eff. 8-11-17.)

(415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

Sec. 21. Prohibited acts. No person shall:

(a) Cause or allow the open dumping of any waste.

(b) Abandon, dump, or deposit any waste upon the public highways or other public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.

(c) Abandon any vehicle in violation of the "Abandoned Vehicles Amendment to the Illinois Vehicle Code", as enacted by the 76th General Assembly.

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; provided, however, that, except for municipal solid waste landfill units that receive waste on or after October 9, 1993, and CCR surface impoundments, no permit shall be required for (i) any person conducting a waste-storage, waste-treatment, or waste-disposal operation for wastes generated by such person's own activities which are stored, treated, or disposed within the site where such wastes are generated, or (ii) until one year after the effective date of rules adopted by the Board under subsection (n) of Section 22.38, a facility located in a county with a population over 700,000 as of January 1, 2000, operated and located in accordance with Section 22.38 of this Act, and used exclusively for the transfer, storage, or treatment of general construction or demolition debris, provided that the facility was receiving construction or demolition debris on August 24, 2009 (the effective date of Public Act 96-611) ~~this amendatory Act of the 96th General Assembly~~;

(2) in violation of any regulations or standards adopted by the Board under this Act; or

(3) which receives waste after August 31, 1988, does not have a permit issued by the Agency, and is (i) a landfill used exclusively for the disposal of waste generated at the site, (ii) a surface impoundment receiving special waste not listed in an NPDES permit, (iii) a waste pile in which the total volume of waste is greater than 100 cubic yards or the waste is stored for over one year, or (iv) a land treatment facility receiving special waste generated at the site; without giving notice of the operation to the Agency by January 1, 1989, or 30 days after the date on which the operation commences, whichever is later, and every 3 years thereafter. The form for such notification shall be specified by the Agency, and shall be limited to information regarding: the name and address of the location of the operation; the type of operation; the types and amounts of waste stored, treated or disposed of on an annual basis; the remaining capacity of the operation; and the remaining expected life of the operation.

Item (3) of this subsection (d) shall not apply to any person engaged in agricultural activity who is disposing of a substance that constitutes solid waste, if the substance was acquired for use by that person on his own property, and the substance is disposed of on his own property in accordance with regulations or standards adopted by the Board.

This subsection (d) shall not apply to hazardous waste.

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

(1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or

(2) in violation of any regulations or standards adopted by the Board under this Act; or

(3) in violation of any RCRA permit filing requirement established under standards adopted by the Board under this Act; or

(4) in violation of any order adopted by the Board under this Act.

Notwithstanding the above, no RCRA permit shall be required under this subsection or subsection (d) of Section 39 of this Act for any person engaged in agricultural activity who is disposing of a substance which has been identified as a hazardous waste, and which has been designated by Board regulations as being subject to this exception, if the substance was acquired for use by that person on his own property and the substance is disposed of on his own property in accordance with regulations or standards adopted by the Board.

(g) Conduct any hazardous waste-transportation operation:

(1) without registering with and obtaining a special waste hauling permit from the Agency in accordance with the regulations adopted by the Board under this Act; or

(2) in violation of any regulations or standards adopted by the Board under this Act.

(h) Conduct any hazardous waste-recycling or hazardous waste-reclamation or hazardous waste-reuse operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act.

(i) Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

(j) Conduct any special waste-transportation ~~waste-transportation~~ operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act. However, sludge from a water or sewage treatment plant owned and operated by a unit of local government which (1) is subject to a sludge management plan approved by the Agency or a permit granted by the Agency, and (2) has been tested and determined not to be a hazardous waste as required by applicable State and federal laws and regulations, may be transported in this State without a special waste hauling permit, and the preparation and carrying of a manifest shall not be required for such sludge under the rules of the Pollution Control Board. The unit of local government which operates the treatment plant producing such sludge shall file an annual report with the Agency identifying the volume of such sludge transported during the reporting period, the hauler of the sludge, and the disposal sites to which it was transported. This subsection (j) shall not apply to hazardous waste.

(k) Fail or refuse to pay any fee imposed under this Act.

(l) Locate a hazardous waste disposal site above an active or inactive shaft or tunneled mine or within 2 miles of an active fault in the earth's crust. In counties of population less than 225,000 no hazardous waste disposal site shall be located (1) within 1 1/2 miles of the corporate limits as defined on June 30, 1978, of any municipality without the approval of the governing body of the municipality in an official action; or (2) within 1000 feet of an existing private well or the existing source of a public water supply measured from the boundary of the actual active permitted site and excluding existing private wells on the property of the permit applicant. The provisions of this subsection do not apply to publicly owned ~~publicly owned~~ sewage works or the disposal or utilization of sludge from publicly owned ~~publicly owned~~ sewage works.

(m) Transfer interest in any land which has been used as a hazardous waste disposal site without written notification to the Agency of the transfer and to the transferee of the conditions imposed by the Agency upon its use under subsection (g) of Section 39.

(n) Use any land which has been used as a hazardous waste disposal site except in compliance with conditions imposed by the Agency under subsection (g) of Section 39.

(o) Conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in any of the following conditions:

(1) refuse in standing or flowing waters;

(2) leachate flows entering waters of the State;

(3) leachate flows exiting the landfill confines (as determined by the boundaries established for the landfill by a permit issued by the Agency);

(4) open burning of refuse in violation of Section 9 of this Act;

(5) uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit;

(6) failure to provide final cover within time limits established by Board regulations;

(7) acceptance of wastes without necessary permits;

(8) scavenging as defined by Board regulations;

(9) deposition of refuse in any unpermitted portion of the landfill;

(10) acceptance of a special waste without a required manifest;

(11) failure to submit reports required by permits or Board regulations;

(12) failure to collect and contain litter from the site by the end of each operating day;

(13) failure to submit any cost estimate for the site or any performance bond or other security for the site as required by this Act or Board rules.

The prohibitions specified in this subsection (o) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to sanitary landfills.

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(1) litter;

(2) scavenging;

(3) open burning;

(4) deposition of waste in standing or flowing waters;

(5) proliferation of disease vectors;

(6) standing or flowing liquid discharge from the dump site;

(7) deposition of:

(i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or

(ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

(q) Conduct a landscape waste composting operation without an Agency permit, provided, however, that no permit shall be required for any person:

(1) conducting a landscape waste composting operation for landscape wastes generated by such person's own activities which are stored, treated, or disposed of within the site where such wastes are generated; or

(1.5) conducting a landscape waste composting operation that (i) has no more than 25 cubic yards of landscape waste, composting additives, composting material, or end-product compost on-site at any one time and (ii) is not engaging in commercial activity; or

(2) applying landscape waste or composted landscape waste at agronomic rates; or

(2.5) operating a landscape waste composting facility at a site having 10 or more occupied non-farm residences within 1/2 mile of its boundaries, if the facility meets all of the following criteria:

(A) the composting facility is operated by the farmer on property on which the composting material is utilized, and the composting facility constitutes no more than 2% of the site's total acreage;

(A-5) any composting additives that the composting facility accepts and uses at the facility are necessary to provide proper conditions for composting and do not exceed 10% of the total composting material at the facility at any one time;

(B) the property on which the composting facility is located, and any associated property on which the compost is used, is principally and diligently devoted to the production of agricultural crops and is not owned, leased, or otherwise controlled by any waste hauler or generator of nonagricultural compost materials, and the operator of the composting facility is not an employee, partner, shareholder, or in any way connected with or controlled by any such waste hauler or generator;

(C) all compost generated by the composting facility is applied at agronomic rates and used as mulch, fertilizer, or soil conditioner on land actually farmed by the person operating the composting facility, and the finished compost is not stored at the composting site for a period longer than 18 months prior to its application as mulch, fertilizer, or soil conditioner;

(D) no fee is charged for the acceptance of materials to be composted at the facility; and

(E) the owner or operator, by January 1, 2014 (or the January 1 following commencement of operation, whichever is later) and January 1 of each year thereafter, registers the site with the Agency, (ii) reports to the Agency on the volume of composting material received and used at the site; (iii) certifies to the Agency that the site complies with the requirements set forth in subparagraphs (A), (A-5), (B), (C), and (D) of this paragraph (2.5); and (iv) certifies to the Agency that all composting material was placed more than 200 feet from the nearest potable water supply well, was placed outside the boundary of the 10-year floodplain or on a part of the site that is floodproofed, was placed at least 1/4 mile from the nearest residence (other than a residence located on the same property as the facility) or a lesser distance from the nearest residence (other than a residence located on the same property as the facility) if the municipality in which the facility is located has by ordinance approved a lesser distance than 1/4 mile, and was placed more than 5 feet above the water table; any ordinance approving a residential setback of less than 1/4 mile that is used to meet the requirements of this subparagraph (E) of paragraph (2.5) of this subsection must specifically reference this paragraph; or

(3) operating a landscape waste composting facility on a farm, if the facility meets all of the following criteria:

(A) the composting facility is operated by the farmer on property on which the composting material is utilized, and the composting facility constitutes no more than 2% of the property's total acreage, except that the Board may allow a higher percentage for individual

sites where the owner or operator has demonstrated to the Board that the site's soil characteristics or crop needs require a higher rate;

(A-1) the composting facility accepts from other agricultural operations for composting with landscape waste no materials other than uncontaminated and source-separated (i) crop residue and other agricultural plant residue generated from the production and harvesting of crops and other customary farm practices, including, but not limited to, stalks, leaves, seed pods, husks, bagasse, and roots and (ii) plant-derived animal bedding, such as straw or sawdust, that is free of manure and was not made from painted or treated wood;

(A-2) any composting additives that the composting facility accepts and uses at the facility are necessary to provide proper conditions for composting and do not exceed 10% of the total composting material at the facility at any one time;

(B) the property on which the composting facility is located, and any associated property on which the compost is used, is principally and diligently devoted to the production of agricultural crops and is not owned, leased or otherwise controlled by any waste hauler or generator of nonagricultural compost materials, and the operator of the composting facility is not an employee, partner, shareholder, or in any way connected with or controlled by any such waste hauler or generator;

(C) all compost generated by the composting facility is applied at agronomic rates and used as mulch, fertilizer or soil conditioner on land actually farmed by the person operating the composting facility, and the finished compost is not stored at the composting site for a period longer than 18 months prior to its application as mulch, fertilizer, or soil conditioner;

(D) the owner or operator, by January 1 of each year, (i) registers the site with the Agency, (ii) reports to the Agency on the volume of composting material received and used at the site, (iii) certifies to the Agency that the site complies with the requirements set forth in subparagraphs (A), (A-1), (A-2), (B), and (C) of this paragraph (q)(3), and (iv) certifies to the Agency that all composting material:

(I) was placed more than 200 feet from the nearest potable water supply well;

(II) was placed outside the boundary of the 10-year floodplain or on a part of the site that is floodproofed;

(III) was placed either (aa) at least 1/4 mile from the nearest residence (other than a residence located on the same property as the facility) and there are not more than 10 occupied non-farm residences within 1/2 mile of the boundaries of the site on the date of application or (bb) a lesser distance from the nearest residence (other than a residence located on the same property as the facility) provided that the municipality or county in which the facility is located has by ordinance approved a lesser distance than 1/4 mile and there are not more than 10 occupied non-farm residences within 1/2 mile of the boundaries of the site on the date of application; and

(IV) was placed more than 5 feet above the water table.

Any ordinance approving a residential setback of less than 1/4 mile that is used to meet the requirements of this subparagraph (D) must specifically reference this subparagraph.

For the purposes of this subsection (q), "agronomic rates" means the application of not more than 20 tons per acre per year, except that the Board may allow a higher rate for individual sites where the owner or operator has demonstrated to the Board that the site's soil characteristics or crop needs require a higher rate.

(r) Cause or allow the storage or disposal of coal combustion waste unless:

(1) such waste is stored or disposed of at a site or facility for which a permit has been obtained or is not otherwise required under subsection (d) of this Section; or

(2) such waste is stored or disposed of as a part of the design and reclamation of a site or facility which is an abandoned mine site in accordance with the Abandoned Mined Lands and Water Reclamation Act; or

(3) such waste is stored or disposed of at a site or facility which is operating under NPDES and Subtitle D permits issued by the Agency pursuant to regulations adopted by the Board for mine-related water pollution and permits issued pursuant to the federal ~~Federal~~ Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto, and the owner or operator of the facility agrees to accept the waste; and either:

(i) such waste is stored or disposed of in accordance with requirements applicable to refuse disposal under regulations adopted by the Board for mine-related water pollution and pursuant to NPDES and Subtitle D permits issued by the Agency under such regulations; or

(ii) the owner or operator of the facility demonstrates all of the following to the Agency, and the facility is operated in accordance with the demonstration as approved by the Agency: (1) the disposal area will be covered in a manner that will support continuous vegetation, (2) the facility will be adequately protected from wind and water erosion, (3) the pH will be maintained so as to prevent excessive leaching of metal ions, and (4) adequate containment or other measures will be provided to protect surface water and groundwater from contamination at levels prohibited by this Act, the Illinois Groundwater Protection Act, or regulations adopted pursuant thereto.

Notwithstanding any other provision of this Title, the disposal of coal combustion waste pursuant to item (2) or (3) of this subdivision (r) shall be exempt from the other provisions of this Title V, and notwithstanding the provisions of Title X of this Act, the Agency is authorized to grant experimental permits which include provision for the disposal of wastes from the combustion of coal and other materials pursuant to items (2) and (3) of this subdivision (r).

(s) After April 1, 1989, offer for transportation, transport, deliver, receive or accept special waste for which a manifest is required, unless the manifest indicates that the fee required under Section 22.8 of this Act has been paid.

(t) Cause or allow a lateral expansion of a municipal solid waste landfill unit on or after October 9, 1993, without a permit modification, granted by the Agency, that authorizes the lateral expansion.

(u) Conduct any vegetable by-product treatment, storage, disposal or transportation operation in violation of any regulation, standards or permit requirements adopted by the Board under this Act. However, no permit shall be required under this Title V for the land application of vegetable by-products conducted pursuant to Agency permit issued under Title III of this Act to the generator of the vegetable by-products. In addition, vegetable by-products may be transported in this State without a special waste hauling permit, and without the preparation and carrying of a manifest.

(v) (Blank).

(w) Conduct any generation, transportation, or recycling of construction or demolition debris, clean or general, or uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads that is not commingled with any waste, without the maintenance of documentation identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycled, or treated. This documentation must be maintained by the generator, transporter, or recycler for 3 years. This subsection (w) shall not apply to (1) a permitted pollution control facility that transfers or accepts construction or demolition debris, clean or general, or uncontaminated soil for final disposal, recycling, or treatment, (2) a public utility (as that term is defined in the Public Utilities Act) or a municipal utility, (3) the Illinois Department of Transportation, or (4) a municipality or a county highway department, with the exception of any municipality or county highway department located within a county having a population of over 3,000,000 inhabitants or located in a county that is contiguous to a county having a population of over 3,000,000 inhabitants; but it shall apply to an entity that contracts with a public utility, a municipal utility, the Illinois Department of Transportation, or a municipality or a county highway department. The terms "generation" and "recycling", as used in this subsection, do not apply to clean construction or demolition debris when (i) used as fill material below grade outside of a setback zone if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, (ii) solely broken concrete without protruding metal bars is used for erosion control, or (iii) milled asphalt or crushed concrete is used as aggregate in construction of the shoulder of a roadway. The terms "generation" and "recycling", as used in this subsection, do not apply to uncontaminated soil that is not commingled with any waste when (i) used as fill material below grade or contoured to grade, or (ii) used at the site of generation.

(Source: P.A. 100-103, eff. 8-11-17; 101-171, eff. 7-30-19; revised 9-12-19.)

(415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

Sec. 22.15. Solid Waste Management Fund; fees.

(a) There is hereby created within the State Treasury a special fund to be known as the Solid Waste Management Fund, to be constituted from the fees collected by the State pursuant to this Section, from repayments of loans made from the Fund for solid waste projects, from registration fees collected pursuant

to the Consumer Electronics Recycling Act, and from amounts transferred into the Fund pursuant to Public Act 100-433. Moneys received by the Department of Commerce and Economic Opportunity in repayment of loans made pursuant to the Illinois Solid Waste Management Act shall be deposited into the General Revenue Fund.

(b) The Agency shall assess and collect a fee in the amount set forth herein from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The Agency shall deposit all fees collected into the Solid Waste Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection. Beginning on July 1, 2018, and on the first day of each month thereafter during fiscal years 2019 through 2021, the State Comptroller shall direct and State Treasurer shall transfer an amount equal to 1/12 of $5,000,000 per fiscal year from the Solid Waste Management Fund to the General Revenue Fund.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 95 cents per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of $2.00 per ton of solid waste permanently disposed of. In no case shall the fee collected or paid by the owner or operator under this paragraph exceed $1.55 per cubic yard or $3.27 per ton.

(2) If more than 100,000 cubic yards but not more than 150,000 cubic yards of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $52,630.

(3) If more than 50,000 cubic yards but not more than 100,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $23,790.

(4) If more than 10,000 cubic yards but not more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $7,260.

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $1050.

(c) (Blank).

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. Such rules shall include, but not be limited to:

(1) necessary records identifying the quantities of solid waste received or disposed;

(2) the form and submission of reports to accompany the payment of fees to the Agency;

(3) the time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly; and

(4) procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Pursuant to appropriation, all monies in the Solid Waste Management Fund shall be used by the Agency and the Department of Commerce and Economic Opportunity for the purposes set forth in this Section and in the Illinois Solid Waste Management Act, including for the costs of fee collection and administration, and for the administration of (1) the Consumer Electronics Recycling Act and (2) until January 1, 2020, the Electronic Products Recycling and Reuse Act.

(f) The Agency is authorized to enter into such agreements and to promulgate such rules as are necessary to carry out its duties under this Section and the Illinois Solid Waste Management Act.

(g) On the first day of January, April, July, and October of each year, beginning on July 1, 1996, the State Comptroller and Treasurer shall transfer $500,000 from the Solid Waste Management Fund to the Hazardous Waste Fund. Moneys transferred under this subsection (g) shall be used only for the purposes set forth in item (1) of subsection (d) of Section 22.2.

(h) The Agency is authorized to provide financial assistance to units of local government for the performance of inspecting, investigating and enforcement activities pursuant to Section 4(r) at nonhazardous solid waste disposal sites.

(i) The Agency is authorized to conduct household waste collection and disposal programs.

(j) A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a solid waste disposal facility is located may establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste. All fees, taxes, and surcharges collected under this subsection shall be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act, or for any other environment-related purpose, including but not limited to an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility. However, the total fee, tax or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed:

(1) 60¢ per cubic yard if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act, in which case the fee shall not exceed $1.27 per ton of solid waste permanently disposed of.

(2) $33,350 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

(3) $15,500 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(4) $4,650 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(5) $650 if not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

The corporate authorities of the unit of local government may use proceeds from the fee, tax, or surcharge to reimburse a highway commissioner whose road district lies wholly or partially within the corporate limits of the unit of local government for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

For the disposal of solid waste from general construction or demolition debris recovery facilities subject to Section 22.38 of this Act, the total fee, tax, or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed 50% of the applicable amount set forth above. A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a general construction or demolition debris recovery facility is located may also establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste from the general construction or demolition debris recovery facility at a solid waste disposal facility, provided that such fee, tax, or surcharge shall not exceed 50% of the applicable amount set forth above and the unit of local government and fee shall be subject to all other requirements of this subsection (j).

A county or Municipal Joint Action Agency that imposes a fee, tax, or surcharge under this subsection may use the proceeds thereof to reimburse a municipality that lies wholly or partially within its boundaries for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

If the fees are to be used to conduct a local sanitary landfill inspection or enforcement program, the unit of local government must enter into a written delegation agreement with the Agency pursuant to subsection (r) of Section 4. The unit of local government and the Agency shall enter into such a written delegation agreement within 60 days after the establishment of such fees. At least annually, the Agency shall conduct an audit of the expenditures made by units of local government from the funds granted by the Agency to the units of local government for purposes of local sanitary landfill inspection and enforcement programs, to ensure that the funds have been expended for the prescribed purposes under the grant.

The fees, taxes or surcharges collected under this subsection (j) shall be placed by the unit of local government in a separate fund, and the interest received on the moneys in the fund shall be credited to the fund. The monies in the fund may be accumulated over a period of years to be expended in accordance with this subsection.

A unit of local government, as defined in the Local Solid Waste Disposal Act, shall prepare and post on its website ~~distribute to the Agency~~, in April of each year, a report that details spending plans for monies collected in accordance with this subsection. The report will at a minimum include the following:

(1) The total monies collected pursuant to this subsection.

(2) The most current balance of monies collected pursuant to this subsection.

(3) An itemized accounting of all monies expended for the previous year pursuant to this subsection.

(4) An estimation of monies to be collected for the following 3 years pursuant to this subsection.

(5) A narrative detailing the general direction and scope of future expenditures for one, 2 and 3 years.

The exemptions granted under Sections 22.16 and 22.16a, and under subsection (k) of this Section, shall be applicable to any fee, tax or surcharge imposed under this subsection (j); except that the fee, tax or surcharge authorized to be imposed under this subsection (j) may be made applicable by a unit of local government to the permanent disposal of solid waste after December 31, 1986, under any contract lawfully executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State under subsection (b) of this Section pursuant to an exemption granted under Section 22.16.

(k) In accordance with the findings and purposes of the Illinois Solid Waste Management Act, beginning January 1, 1989 the fee under subsection (b) and the fee, tax or surcharge under subsection (j) shall not apply to:

(1) waste which is hazardous waste;

(2) waste which is pollution control waste;

(3) waste from recycling, reclamation or reuse processes which have been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable, except for general construction or demolition debris recovery facilities regulated pursuant to Section 22.38;

(4) non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency; or

(5) any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste.

(Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17; 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff. 8-14-18; 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

(415 ILCS 5/22.38)

Sec. 22.38. General construction or demolition debris recovery facilities ~~Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment~~.

(a) General construction or demolition debris recovery facilities ~~Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment~~ shall be subject to local zoning, ordinance, and land use requirements. General construction or demolition debris recovery ~~Those~~ facilities shall be located in accordance with local zoning requirements or, in the absence of local zoning requirements, shall be located so that no part of the facility boundary is closer than 1,320 feet from the nearest property zoned for primarily residential use.

(b) An owner or operator of a general construction or demolition debris recovery facility ~~accepting exclusively general construction or demolition debris for transfer, storage, or treatment~~ shall:

(0.5) Except as otherwise provided by Board rule, at a minimum, recycle 40% of the total general construction or demolition debris received on a rolling 12-month average basis. The percentages in this paragraph (0.5) of subsection (b) shall be calculated by weight.

(1) Within 48 hours after receipt of the general construction or demolition debris at the facility, sort the general construction or demolition debris to separate the (i) recyclable general construction or demolition debris and (ii) wood being ~~,~~ recovered ~~wood that is processed~~ for use as fuel from all other general construction or demolition debris ~~, and general construction or demolition debris that is processed for use at a landfill from the non-recyclable general construction or demolition debris that is to be disposed of or discarded~~.

(2) Transport off site for disposal, in accordance with all applicable federal, State, and local requirements, within 72 hours after its receipt at the facility, all ~~non-usable or non-recyclable~~ general construction or demolition debris that is not (i) recyclable general construction or demolition debris or (ii) wood being ~~,~~ recovered ~~wood that is processed~~ for use as fuel~~, or general construction or demolition debris that is processed for use at a landfill~~.

(3) Use best management practices to identify and remove all drywall and other wallboard containing gypsum from the (i) recyclable general construction or demolition debris and (ii) wood

being recovered for use as fuel, prior to any mechanical sorting, separating, grinding, or other processing. ~~Limit the percentage of incoming non-recyclable general construction or demolition debris to 25% or less of the total incoming general construction or demolition debris, so that 75% or more of the general construction or demolition debris accepted, as calculated monthly on a rolling 12 month average, consists of recyclable general construction or demolition debris, recovered wood that is processed for use as fuel, or general construction or demolition debris that is processed for use at a landfill except that general construction or demolition debris processed for use at a landfill shall not exceed 35% of the general construction or demolition debris accepted on a rolling 12 month average basis. The percentages in this paragraph (3) of subsection (b) shall be calculated by weight, using scales located at the facility that are certified under the Weights and Measures Act.~~

(4) Within 45 calendar days after receipt, transport off-site all putrescible recyclable general construction or demolition debris and all wood recovered for use as fuel. ~~Within 6 months after its receipt at the facility, transport:~~

~~(A) all non-putrescible recyclable general construction or demolition debris for recycling or disposal; and~~

~~(B) all non-putrescible general construction or demolition debris that is processed for use at a landfill to a MSWLF unit for use or disposal.~~

(5) Within 6 months after receipt, transport off-site all non-putrescible recyclable general construction or demolition debris. ~~45 days after its receipt at the facility, transport:~~

~~(A) all putrescible or combustible recyclable general construction or demolition debris (excluding recovered wood that is processed for use as fuel) for recycling or disposal;~~

~~(B) all recovered wood that is processed for use as fuel to an intermediate processing facility for sizing, to a combustion facility for use as fuel, or to a disposal facility; and~~

~~(C) all putrescible general construction or demolition debris that is processed for use at a landfill to a MSWLF unit for use or disposal.~~

(6) Employ tagging and recordkeeping procedures to, at a minimum, (i) demonstrate compliance with this Section, ~~and~~ (ii) identify the type, amount, source, and transporter of material accepted by the facility, and (iii) identify the type, amount, destination, and transporter of material transported from the facility. Records shall be maintained in a form and format prescribed by the Agency, and beginning October 1, 2021, no later than every October 1, January 1, April 1, and July 1 thereafter the records shall be summarized in quarterly reports submitted to the Agency in a form and format prescribed by the Agency.

(7) Control odor, noise, combustion of materials, disease vectors, dust, and litter.

(8) Control, manage, and dispose of any storm water runoff and leachate generated at the facility in accordance with applicable federal, State, and local requirements.

(9) Control access to the facility.

(10) Comply with all applicable federal, State, or local requirements for the handling, storage, transportation, or disposal of asbestos-containing material or other material accepted at the facility that is not general construction or demolition debris.

(11) For an owner or operator that first received general construction or demolition debris prior to August 24, 2009, submit to the Agency, no later than 6 months after the effective date of rules adopted by the Board under subsection (n), a permit application for a general construction or demolition debris recovery facility. ~~Prior to August 24, 2009 (the effective date of Public Act 96-611), submit to the Agency at least 30 days prior to the initial acceptance of general construction or demolition debris at the facility, on forms provided by the Agency, the following information:~~

~~(A) the name, address, and telephone number of both the facility owner and operator;~~

~~(B) the street address and location of the facility;~~

~~(C) a description of facility operations;~~

~~(D) a description of the tagging and recordkeeping procedures the facility will employ to (i) demonstrate compliance with this Section and (ii) identify the source and transporter of any material accepted by the facility;~~

~~(E) the name and location of the disposal sites to be used for the disposal of any general construction or demolition debris received at the facility that must be disposed of;~~

~~(F) the name and location of an individual, facility, or business to which recyclable materials will be transported;~~

~~(G) the name and location of intermediate processing facilities or combustion facilities to which recovered wood that is processed for use as fuel will be transported; and~~

~~(H) other information as specified on the form provided by the Agency.~~

(12) On or after August 24, 2009 (the effective date of Public Act 96-611), obtain a permit for the operation of a general construction or demolition debris recovery facility ~~issued by the Agency~~ prior to the initial acceptance of general construction or demolition debris at the facility.

~~When any of the information contained or processes described in the initial notification form submitted to the Agency under paragraph (11) of subsection (b) of this Section changes, the owner and operator shall submit an updated form within 14 days of the change.~~

(c) For purposes of this Section, the term "recyclable general construction or demolition debris" means general construction or demolition debris that is being reclaimed from the general construction or demolition debris waste stream and (i) is ~~has been~~ rendered reusable and is reused or (ii) ~~that~~ would otherwise be disposed of or discarded but is collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products. "Recyclable general construction or demolition debris" does not include ~~(i)~~ general construction or demolition debris that is (i) recovered ~~processed~~ for use as fuel or that is otherwise~~,~~ incinerated or ~~,~~ burned, (ii) used in violation of subsection (k), ~~buried, or otherwise used as fill material~~ or (iii) disposed at a landfill ~~(ii) general construction or demolition debris that is processed for use at a landfill~~.

(d) (Blank). ~~For purposes of this Section, "treatment" means processing designed to alter the physical nature of the general construction or demolition debris, including but not limited to size reduction, crushing, grinding, or homogenization, but does not include processing designed to change the chemical nature of the general construction or demolition debris.~~

(e) For purposes of this Section, wood recovered for use as fuel is ~~"recovered wood that is processed for use as fuel" means~~ wood that is recovered ~~has been salvaged~~ from the general construction or demolition debris waste stream and ~~processed~~ for use as fuel, as authorized by the applicable state or federal environmental regulatory authority, and supplied only to intermediate processing facilities for sizing, or to combustion facilities for use as fuel, that have obtained all necessary waste management and air permits for handling and combustion of the fuel.

(f) (Blank). ~~For purposes of this Section, "non recyclable general construction or demolition debris" does not include "recovered wood that is processed for use as fuel" or general construction or demolition debris that is processed for use at a landfill.~~

(g) (Blank). ~~Recyclable general construction or demolition debris, recovered wood that is processed for use as fuel, and general construction or demolition debris that is processed for use at a landfill shall not be considered as meeting the 75% diversion requirement for purposes of subdivision (b)(3) of this Section if sent for disposal at the end of the applicable retention period.~~

(h) (Blank). ~~For the purposes of this Section, "general construction or demolition debris that is processed for use at a landfill" means general construction or demolition debris that is processed for use at a MSWLF unit as alternative daily cover, road building material, or drainage structure building material in accordance with the MSWLF unit's waste disposal permit issued by the Agency under this Act.~~

(i) (Blank). ~~For purposes of the 75% diversion requirement under subdivision (b)(3) of this Section, owners and operators of facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment may multiply by 2 the amount of accepted asphalt roofing shingles that are transferred to a facility for recycling in accordance with a beneficial use determination issued under Section 22.54 of this Act. The owner or operator of the facility accepting exclusively general construction or demolition debris for transfer, storage, or treatment must maintain receipts from the shingle recycling facility that document the amounts of asphalt roofing shingles transferred for recycling in accordance with the beneficial use determination. All receipts must be maintained for a minimum of 3 years and must be made available to the Agency for inspection and copying during normal business hours.~~

(j) No person shall cause or allow the acceptance of any waste at a general construction or demolition debris recovery facility, other than general construction or demolition debris.

(k) No person shall cause or allow the deposit or other placement of general construction or demolition debris that is received at a general construction or demolition debris recovery facility into or on any land or water, including, but not limited to, use as fill or road construction material at a site subject to Section 22.51, unless the general construction or demolition debris (i) meets the definition of clean construction or demolition debris in subsection (b) of Section 3.160 of this Act and (ii) has been returned to the economic mainstream in the form of a raw material or product.

(l) Beginning one year after the effective date of rules adopted by the Board under subsection (n), no person shall own or operate a general construction or demolition debris recovery facility without a permit issued by the Agency.

(m) In addition to any other requirements of this Act, no person shall, at a general construction or demolition debris recovery facility, cause or allow the storage or treatment of general construction or demolition debris in violation of this Act, any regulations or standards adopted under this Act, or any condition of a permit issued under this Act.

(n) No later than one year after the effective date of this Amendatory Act of the 102nd General Assembly the Agency shall propose to the Board, and no later than one year after receipt of the Agency's proposal the Board shall, adopt rules for permitting the operation of general construction or demolition debris recovery facilities. Such rules shall include, but not be limited to: requirements for material receipt, handling, storage, and transfer; improvements to best management practices for identifying, testing for, and removing drywall containing gypsum; minimal recycling, reclamation, reuse requirements, and recordkeeping; reporting; financial assurance; and limiting or prohibiting sulfur in wallboard used or disposed of at landfills; and transition of facilities to permitting under the rules.

(Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09; 96-1000, eff. 7-2-10; 97-230, eff. 7-28-11; 97-314, eff. 1-1-12; 97-813, eff. 7-13-12.)

(415 ILCS 5/31.1) (from Ch. 111 1/2, par. 1031.1)

Sec. 31.1. Administrative citation.

(a) The prohibitions specified in subsections (o) and (p) of Section 21 and subsection (k) of Section 55 of this Act shall be enforceable either by administrative citation under this Section or as otherwise provided by this Act. Violations of Sections 22.38, ~~Section~~ 22.51, and 22.51a of this Act shall be enforceable either by administrative citation under this Section or as otherwise provided by this Act.

(b) Whenever Agency personnel or personnel of a unit of local government to which the Agency has delegated its functions pursuant to subsection (r) of Section 4 of this Act, on the basis of direct observation, determine that any person has violated any provision of subsection (o) or (p) of Section 21, Section 22.38, Section 22.51, Section 22.51a, or subsection (k) of Section 55 of this Act, the Agency or such unit of local government may issue and serve an administrative citation upon such person within not more than 60 days after the date of the observed violation. Each such citation issued shall be served upon the person named therein or such person's authorized agent for service of process, and shall include the following information:

(1) a statement specifying the provisions of subsection (o) or (p) of Section 21, Section 22.38, Section 22.51, Section 22.51a, or subsection (k) of Section 55 of which the person was observed to be in violation;

(2) a copy of the inspection report in which the Agency or local government recorded the violation, which report shall include the date and time of inspection, and weather conditions prevailing during the inspection;

(3) the penalty imposed by subdivision (b)(4) or (b)(4-5) of Section 42 for such violation;

(4) instructions for contesting the administrative citation findings pursuant to this Section, including notification that the person has 35 days within which to file a petition for review before the Board to contest the administrative citation; and

(5) an affidavit by the personnel observing the violation, attesting to their material actions and observations.

(c) The Agency or unit of local government shall file a copy of each administrative citation served under subsection (b) of this Section with the Board no later than 10 days after the date of service.

(d) (1) If the person named in the administrative citation fails to petition the Board for review within 35 days from the date of service, the Board shall adopt a final order, which shall include the administrative citation and findings of violation as alleged in the citation, and shall impose the penalty specified in subdivision (b)(4) or (b)(4-5) of Section 42.

(2) If a petition for review is filed before the Board to contest an administrative citation issued under subsection (b) of this Section, the Agency or unit of local government shall appear as a complainant at a hearing before the Board to be conducted pursuant to Section 32 of this Act at a time not less than 21 days after notice of such hearing has been sent by the Board to the Agency or unit of local government and the person named in the citation. In such hearings, the burden of proof shall be on the Agency or unit of local government. If, based on the record, the Board finds that the alleged violation occurred, it shall adopt a final order which shall include the administrative citation and findings of violation as alleged in the citation, and shall impose the penalty specified in subdivision (b)(4) or (b)(4-5) of Section 42. However, if the Board

finds that the person appealing the citation has shown that the violation resulted from uncontrollable circumstances, the Board shall adopt a final order which makes no finding of violation and which imposes no penalty.

(e) Sections 10-25 through 10-60 of the Illinois Administrative Procedure Act shall not apply to any administrative citation issued under subsection (b) of this Section.

(f) The other provisions of this Section shall not apply to a sanitary landfill operated by a unit of local government solely for the purpose of disposing of water and sewage treatment plant sludges, including necessary stabilizing materials.

(g) All final orders issued and entered by the Board pursuant to this Section shall be enforceable by injunction, mandamus or other appropriate remedy, in accordance with Section 42 of this Act.

(Source: P.A. 96-737, eff. 8-25-09; 96-1416, eff. 7-30-10.)

(415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

Sec. 42. Civil penalties.

(a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed $50,000 for the violation and an additional civil penalty of not to exceed $10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) Any person that violates Section 12(f) of this Act or any NPDES permit or term or condition thereof, or any filing requirement, regulation or order relating to the NPDES permit program, shall be liable to a civil penalty of not to exceed $10,000 per day of violation.

(2) Any person that violates Section 12(g) of this Act or any UIC permit or term or condition thereof, or any filing requirement, regulation or order relating to the State UIC program for all wells, except Class II wells as defined by the Board under this Act, shall be liable to a civil penalty not to exceed $2,500 per day of violation; provided, however, that any person who commits such violations relating to the State UIC program for Class II wells, as defined by the Board under this Act, shall be liable to a civil penalty of not to exceed $10,000 for the violation and an additional civil penalty of not to exceed $1,000 for each day during which the violation continues.

(3) Any person that violates Sections 21(f), 21(g), 21(h) or 21(i) of this Act, or any RCRA permit or term or condition thereof, or any filing requirement, regulation or order relating to the State RCRA program, shall be liable to a civil penalty of not to exceed $25,000 per day of violation.

(4) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (o) of Section 21 of this Act shall pay a civil penalty of $500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency. Such penalties shall be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(4-5) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (p) of Section 21, Section 22.38, Section 22.51, Section 22.51a, or subsection (k) of Section 55 of this Act shall pay a civil penalty of $1,500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency, except that the civil penalty amount shall be $3,000 for each violation of any provision of subsection (p) of Section 21, Section 22.38, Section 22.51, Section 22.51a, or subsection (k) of Section 55 that is the person's second or subsequent adjudication violation of that provision. The penalties shall be deposited into the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(5) Any person who violates subsection 6 of Section 39.5 of this Act or any CAAPP permit, or term or condition thereof, or any fee or filing requirement, or any duty to allow or carry out inspection, entry or monitoring activities, or any regulation or order relating to the CAAPP shall be liable for a civil penalty not to exceed $10,000 per day of violation.

(6) Any owner or operator of a community water system that violates subsection (b) of Section 18.1 or subsection (a) of Section 25d-3 of this Act shall, for each day of violation, be liable for a civil penalty not to exceed $5 for each of the premises connected to the affected community water system.

(7) Any person who violates Section 52.5 of this Act shall be liable for a civil penalty of up to $1,000 for the first violation of that Section and a civil penalty of up to $2,500 for a second or subsequent violation of that Section.

(b.5) In lieu of the penalties set forth in subsections (a) and (b) of this Section, any person who fails to file, in a timely manner, toxic chemical release forms with the Agency pursuant to Section 25b-2 of this Act shall be liable for a civil penalty of $100 per day for each day the forms are late, not to exceed a maximum total penalty of $6,000. This daily penalty shall begin accruing on the thirty-first day after the date that the person receives the warning notice issued by the Agency pursuant to Section 25b-6 of this Act; and the penalty shall be paid to the Agency. The daily accrual of penalties shall cease as of January 1 of the following year. All penalties collected by the Agency pursuant to this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.

(c) Any person that violates this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order and causes the death of fish or aquatic life shall, in addition to the other penalties provided by this Act, be liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. Any money so recovered shall be placed in the Wildlife and Fish Fund in the State Treasury.

(d) The penalties provided for in this Section may be recovered in a civil action.

(e) The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his own motion, institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, or to require such other actions as may be necessary to address violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

(f) The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such actions in the name of the people of the State of Illinois. Without limiting any other authority which may exist for the awarding of attorney's fees and costs, the Board or a court of competent jurisdiction may award costs and reasonable attorney's fees, including the reasonable costs of expert witnesses and consultants, to the State's Attorney or the Attorney General in a case where he has prevailed against a person who has committed a willful, knowing, or repeated violation of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

Any funds collected under this subsection (f) in which the Attorney General has prevailed shall be deposited in the Hazardous Waste Fund created in Section 22.2 of this Act. Any funds collected under this subsection (f) in which a State's Attorney has prevailed shall be retained by the county in which he serves.

(g) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(h) In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), (b)(5), (b)(6), or (b)(7) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including, but not limited to, the following factors:

(1) the duration and gravity of the violation;

(2) the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;

(3) any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;

(4) the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

(5) the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;

(6) whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency;

(7) whether the respondent has agreed to undertake a "supplemental environmental project", which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and

(8) whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In determining the appropriate civil penalty to be imposed under subsection (a) or paragraph (1), (2), (3), (5), (6), or (7) of subsection (b) of this Section, the Board shall ensure, in all cases, that the penalty is at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship. However, such civil penalty may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent.

(i) A person who voluntarily self-discloses non-compliance to the Agency, of which the Agency had been unaware, is entitled to a 100% reduction in the portion of the penalty that is not based on the economic benefit of non-compliance if the person can establish the following:

(1) that either the regulated entity is a small entity or the non-compliance was discovered through an environmental audit or a compliance management system documented by the regulated entity as reflecting the regulated entity's due diligence in preventing, detecting, and correcting violations;

(2) that the non-compliance was disclosed in writing within 30 days of the date on which the person discovered it;

(3) that the non-compliance was discovered and disclosed prior to:

(i) the commencement of an Agency inspection, investigation, or request for information;

(ii) notice of a citizen suit;

(iii) the filing of a complaint by a citizen, the Illinois Attorney General, or the State's Attorney of the county in which the violation occurred;

(iv) the reporting of the non-compliance by an employee of the person without that person's knowledge; or

(v) imminent discovery of the non-compliance by the Agency;

(4) that the non-compliance is being corrected and any environmental harm is being remediated in a timely fashion;

(5) that the person agrees to prevent a recurrence of the non-compliance;

(6) that no related non-compliance events have occurred in the past 3 years at the same facility or in the past 5 years as part of a pattern at multiple facilities owned or operated by the person;

(7) that the non-compliance did not result in serious actual harm or present an imminent and substantial endangerment to human health or the environment or violate the specific terms of any judicial or administrative order or consent agreement;

(8) that the person cooperates as reasonably requested by the Agency after the disclosure; and

(9) that the non-compliance was identified voluntarily and not through a monitoring, sampling, or auditing procedure that is required by statute, rule, permit, judicial or administrative order, or consent agreement.

If a person can establish all of the elements under this subsection except the element set forth in paragraph (1) of this subsection, the person is entitled to a 75% reduction in the portion of the penalty that is not based upon the economic benefit of non-compliance.

For the purposes of this subsection (i), "small entity" has the same meaning as in Section 221 of the federal Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601).

(j) In addition to any other remedy or penalty that may apply, whether civil or criminal, any person who violates Section 22.52 of this Act shall be liable for an additional civil penalty of up to 3 times the gross amount of any pecuniary gain resulting from the violation.

(k) In addition to any other remedy or penalty that may apply, whether civil or criminal, any person who violates subdivision (a)(7.6) of Section 31 of this Act shall be liable for an additional civil penalty of $2,000.

(Source: P.A. 99-934, eff. 1-27-17; 100-436, eff. 8-25-17; 100-863, eff. 8-14-18.)

(415 ILCS 5/22.38a rep.)
Section 10. The Environmental Protection Act is amended by repealing Section 22.38a.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hastings, **Senate Bill No. 1089** 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:

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

This bill, having received the vote of 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 SECOND TIME

On motion of Senator Morrison, **House Bill No. 18** was taken up, read by title a second time.
Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 19** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **House Bill No. 24** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Murphy, **House Bill No. 120** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Johnson, **House Bill No. 160** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 168** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 279** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 376** was taken up, read by title a second time.
Committee Amendment No. 1 was held in the Committee on Education.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Crowe, **House Bill No. 557** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bennett, **House Bill No. 573** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martwick, **House Bill No. 576** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martwick, **House Bill No. 577** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bennett, **House Bill No. 597** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **House Bill No. 734** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, **House Bill No. 796** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Murphy, **House Bill No. 1760** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 1926** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Aquino, **House Bill No. 2570** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hastings, **House Bill No. 2741** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 2791** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harris, **House Bill No. 2914** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harris, **House Bill No. 2405** was taken up, read by title a second time and ordered to a third reading.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Loughran Cappel moved that **Senate Resolution No. 91**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Loughran Cappel moved that Senate Resolution No. 91 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Loughran Cappel moved that **Senate Resolution No. 107**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Loughran Cappel moved that Senate Resolution No. 107 be adopted.

The motion prevailed.

And the resolution was adopted.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3678, sponsored by Senator McConchie, was taken up, read by title a first time and referred to the Committee on Assignments.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Holmes moved that **Senate Resolution No. 52**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Holmes moved that Senate Resolution No. 52 be adopted.

The motion prevailed.

And the resolution was adopted.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Harmon, **Senate Bill No. 2800** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2801** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2802** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2803** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2804** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2805** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2806** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2807** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2808** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2809** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2810** having been printed, was taken up, read by title a second time and ordered to a third reading.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Cunningham, Vice-Chair of the Committee on Assignments, during its May 6, 2021 meeting, to which was referred **House Bill No. 3069**, reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

Pursuant to Senate Rule 3-8 (b-1), the following amendment will remain in the Committee on Assignments: **Committee Amendment No. 1 to Senate Bill 48**.

LEGISLATIVE MEASURES FILED

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

Amendment No. 1 to House Bill 32
Amendment No. 1 to House Bill 119
Amendment No. 1 to House Bill 227

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 261

Offered by Senators Curran - Rezin and all Senators:
Mourns the death of Martin Ozinga III.

SENATE RESOLUTION NO. 263

Offered by Senator McClure and all Senators:
Mourns the death of Charles F. "Chuck" Flamini of Springfield.

SENATE RESOLUTION NO. 264

Offered by Senator McClure and all Senators:
Mourns the death of Daniel Cadigan.

SENATE RESOLUTION NO. 265

Offered by Senators Muñoz - Hunter and all Senators:

Mourns the passing of Bernarda "Bernie" Wong.

SENATE RESOLUTION NO. 266
Offered by Senator Anderson and all Senators:
Mourns the death of Richard Duane Samuelson.

SENATE RESOLUTION NO. 267
Offered by Senator Anderson and all Senators:
Mourns the passing of Charles E. "Chuck" Chandler.

SENATE RESOLUTION NO. 268
Offered by Senator Koehler and all Senators:
Mourns the death of Dr. Barbara Hartnett.

SENATE RESOLUTION NO. 269
Offered by Senator Koehler and all Senators:
Mourns the death of Dr. Edward Kaizer.

SENATE RESOLUTION NO. 270
Offered by Senator Koehler and all Senators:
Mourns the death of Monsignor William A. Watson.

SENATE RESOLUTION NO. 271
Offered by Senator Martwick and all Senators:
Mourns the death of David Creason.

SENATE RESOLUTION NO. 273
Offered by Senator Barickman and all Senators:
Mourns the death of Emmett M. Horaney of Ancona.

SENATE RESOLUTION NO. 275
Offered by Senator Anderson and all Senators:
Mourns the passing of Harold L. Seitz.

SENATE RESOLUTION NO. 276
Offered by Senator Johnson and all Senators:
Mourns the death of Patrice M. Johannes of Palatine.

The Chair moved the adoption of the Resolutions Consent Calendar.
The motion prevailed, and the resolutions were adopted.

At the hour of 2:39 o'clock p.m., the Chair announced that the Senate stands adjourned until Monday, May 10, 2021, at 4:00 o'clock p.m., or until the call of the President.