SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED THIRD GENERAL ASSEMBLY

27TH LEGISLATIVE DAY

WEDNESDAY, MARCH 22, 2023

12:17 O'CLOCK P.M.

NO. 27
[March 22, 2023]

SENATE
Daily Journal Index
27th Legislative Day

The Senate met pursuant to adjournment.
Senator Linda Holmes, Aurora, Illinois, presiding.
Prayer by Pastor Stephen Lawrence, Exodus Church of Springfield, Springfield, Illinois.
Senator Johnson led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, March 21, 2023, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reporting Requirement of 50 ILCS 707/20 (Law Enforcement Camera Grant Act), submitted by the Carpentersville Police Department.

IDCEO Illinois Angel Investment Report 2022, submitted by the Department of Commerce and Economic Opportunity.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Carpentersville 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. 1 to Senate Bill 754

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

Amendment No. 3 to Senate Bill 1701
Amendment No. 2 to Senate Bill 2152

REPORTS FROM STANDING COMMITTEES

Senator Johnson, Chair of the Committee on Education, to which was referred **Senate Bills Numbered 1685, 2132 and 2348**, reported the same back with the recommendation that the bills do pass.
Under the rules, the bills were ordered to a second reading.

Senator Johnson, Chair of the Committee on Education, to which was referred **Senate Bills Numbered 183, 1488, 2031, 2039 and 2243**, 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 Johnson, Chair of the Committee on Education, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 1351

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

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

Senate Amendment No. 2 to Senate Bill 1826

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

Senator Villa, Chair of the Committee on Public Health, to which was referred **Senate Resolutions Numbered 19, 22, 36 and 60**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions Numbered 19, 22, 36 and 60** were placed on the Secretary's Desk.

Senator Martwick, Chair of the Committee on Judiciary, to which was referred **Senate Bill No. 2378**, 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 Judiciary, to which was referred **Senate Bills Numbered 201, 1478 and 2082**, 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 Martwick, Chair of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 40
Senate Amendment No. 1 to Senate Bill 1065
Senate Amendment No. 2 to Senate Bill 1291
Senate Amendment No. 1 to Senate Bill 1460
Senate Amendment No. 1 to Senate Bill 1476
Senate Amendment No. 1 to Senate Bill 1637
Senate Amendment No. 1 to Senate Bill 1748
Senate Amendment No. 1 to Senate Bill 1817

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

Senator Morrison, Chair of the Committee on Health and Human Services, to which was referred **Senate Bill No. 2224**, reported the same back with the recommendation that the bill do pass.

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

Senator Morrison, Chair of the Committee on Health and Human Services, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 724
Senate Amendment No. 2 to Senate Bill 1497

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

Senator Morrison, Chair of the Committee on Health and Human Services, to which was referred **Senate Joint Resolution No. 24**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 24** was placed on the Secretary's Desk.

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

Senate Amendment No. 1 to Senate Bill 1251
Senate Amendment No. 1 to Senate Bill 2014
Senate Amendment No. 2 to Senate Bill 2424

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

Senator Villivalam, Chair of the Committee on Transportation, to which was referred **Senate Resolution No. 50**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 50** was placed on the Secretary's Desk.

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

Senate Amendment No. 3 to Senate Bill 49
Senate Amendment No. 1 to Senate Bill 86
Senate Amendment No. 1 to Senate Bill 1558

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

Senator Halpin, Chair of the Committee on Higher Education, to which was referred **Senate Joint Resolution No. 6**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 6** was placed on the Secretary's Desk.

Senator N. Harris, Chair of the Committee on Insurance, to which was referred **Senate Bills Numbered 1282 and 2417**, reported the same back with the recommendation that the bills do pass.

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

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

Senate Amendment No. 2 to Senate Bill 2429

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

Senator Peters, Chair of the Committee on Labor, to which was referred **Senate Bill No. 1609**, reported the same back with the recommendation that the bill do pass.

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

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

Senate Amendment No. 1 to Senate Bill 2034

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

APPOINTMENT MESSAGE

Appointment Message No. 1030124

To the Honorable Members of the Senate, One Hundred Third General Assembly:

The Executive Ethics Commission is nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Director

Agency or Other Body: Illinois Power Agency

Start Date: March 21, 2023

End Date: March 15, 2025

Name: Brian P. Granahan

Residence: 3043 W. Fullerton Ave., Apt. 2, Chicago, IL 60647

Annual Compensation: $185,000

Per diem: Not Applicable

Nominee's Senator: Senator Cristina H. Pacione-Zayas

Most Recent Holder of Office: Brian P. Granahan

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Message was referred to the Committee on Executive Appointments.

MESSAGES FROM THE HOUSE

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

HOUSE BILL NO. 1596

A bill for AN ACT concerning children.
Passed the House, March 21, 2023.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bill No. 1596** was taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 2235
A bill for AN ACT concerning education.
HOUSE BILL NO. 2238
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2248
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 2267
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2277
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2278
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 2296
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2297
A bill for AN ACT concerning State government.
HOUSE BILL NO. 2300
A bill for AN ACT concerning finance.
HOUSE BILL NO. 2301
A bill for AN ACT concerning government.
Passed the House, March 21, 2023.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 2235, 2238, 2248, 2267, 2277, 2278, 2296, 2297, 2300 and 2301** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:
HOUSE BILL NO. 2303
A bill for AN ACT concerning finance.
HOUSE BILL NO. 2308
A bill for AN ACT concerning safety.
HOUSE BILL NO. 2325
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2332
A bill for AN ACT concerning local government.
HOUSE BILL NO. 2338
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 2350
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2376
A bill for AN ACT concerning safety.
HOUSE BILL NO. 2380
A bill for AN ACT concerning education.
HOUSE BILL NO. 2390
A bill for AN ACT concerning local government.
HOUSE BILL NO. 2392
A bill for AN ACT concerning education.
Passed the House, March 21, 2023.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 2303, 2308, 2325, 2332, 2338, 2350, 2376, 2380, 2390 and 2392** were taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 2412
A bill for AN ACT concerning the Illinois State Police.

HOUSE BILL NO. 2448
A bill for AN ACT concerning State government.

HOUSE BILL NO. 2461
A bill for AN ACT concerning wildlife.

HOUSE BILL NO. 2464
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 2469
A bill for AN ACT concerning education.

HOUSE BILL NO. 2475
A bill for AN ACT concerning State government.

HOUSE BILL NO. 2493
A bill for AN ACT concerning employment.

HOUSE BILL NO. 2499
A bill for AN ACT concerning regulation.

HOUSE BILL NO. 2503
A bill for AN ACT concerning education.

HOUSE BILL NO. 2516
A bill for AN ACT concerning education.

Passed the House, March 21, 2023.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 2412, 2448, 2461, 2464, 2469, 2475, 2493, 2499, 2503 and 2516** were taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 2527
A bill for AN ACT concerning local government.

HOUSE BILL NO. 2528
A bill for AN ACT concerning education.

HOUSE BILL NO. 2531
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 2542
A bill for AN ACT concerning health.

HOUSE BILL NO. 2582
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 2584
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 2607
A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 2618
A bill for AN ACT concerning State government.

HOUSE BILL NO. 2619
A bill for AN ACT concerning regulation.

Passed the House, March 21, 2023.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 2527, 2528, 2531, 2542, 2582, 2584, 2607, 2618 and 2619** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 2235, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2238, sponsored by Senator Ellman, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2248, sponsored by Senator Peters, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2267, sponsored by Senator Cunningham, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2277, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2278, sponsored by Senator Villanueva, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2296, sponsored by Senator Glowiak Hilton, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2297, sponsored by Senator Simmons, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2300, sponsored by Senator Castro, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2303, sponsored by Senator Halpin, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2325, sponsored by Senator Ellman, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2338, sponsored by Senator Bryant, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2376, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2380, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2412, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2448, sponsored by Senator Halpin, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2461, sponsored by Senator Joyce, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2464, sponsored by Senator Simmons, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2475, sponsored by Senator Joyce, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2493, sponsored by Senator Peters, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2503, sponsored by Senator Halpin, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2527, sponsored by Senator Loughran Cappel, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2528, sponsored by Senator Faraci, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2531, sponsored by Senator N. Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2542, sponsored by Senator Ventura, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2582, sponsored by Senator D. Turner, was taken up, read by title a first time and referred to the Committee on Assignments.

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

House Bill No. 2618, sponsored by Senator E. Harriss, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2619, sponsored by Senator Fine, 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 Koehler, **Senate Bill No. 46** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator N. Harris, **Senate Bill No. 89** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halpin, **Senate Bill No. 1233** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Senate Special Committee on Pensions, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1233

AMENDMENT NO. 1 . Amend Senate Bill 1233 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 22-95 as follows:

(105 ILCS 5/22-95 new)

Sec. 22-95. Retirement and deferred compensation plans.

(a) This Section applies only to school districts with a full-time licensed teacher population of 525 teachers or more.

(b) A financial institution or investment provider, by entering into a written agreement, may offer or provide services to a plan established or maintained by a school district under Section 457 of the Internal Revenue Code of 1986 if the written agreement is not combined with any other written agreement for the administration of a school district's 457 plan.

Each school district that provides a 457 plan shall make available to participants, in the manner provided in subsection (d), more than one financial institution or investment provider that has not entered into a written agreement under this subsection (b) and that provides services to the school district's 457 plan.

(c) A financial institution or investment provider providing services for any plan established or maintained by a school district under Section 457 of the Internal Revenue Code of 1986 shall:

(1) enter into an agreement with the school district or the school district's independent compliance administrator that requires the financial institution or investment provider to provide, in an electronic format, all data necessary for the administration of the 457 plan, as determined by the school district or the school district's compliance administrator;

(2) provide all data required by the school district or the school district's compliance administrator to facilitate disclosure of all fees, charges, expenses, commissions, compensation, and payments to third parties related to investments offered under the 457 plan; and

(3) cover all plan administration costs agreed to by the school district relating to the 457 plan.

(d) A school district that establishes or maintains a plan under Section 457 of the Internal Revenue Code of 1986 shall select more than one financial institution or investment provider, in addition to the financial institution or investment provider that has entered into a written agreement under subsection (b), to provide services to the 457 plan. A financial institution or investment provider shall be designated a 457 plan provider if the financial institution or investment provider enters in an agreement in accordance with subsection (c)

(e) A school district shall have one year from the effective date of this amendatory Act of the 103rd General Assembly to find a 457 plan provider under this Section.".

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

On motion of Senator Johnson, **Senate Bill No. 1251** having been printed, was taken up, read by title a second time.

Senator Johnson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1251

AMENDMENT NO. 1 . Amend Senate Bill 1251 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-1421 as follows:

(625 ILCS 5/11-1421) (from Ch. 95 1/2, par. 11-1421)

Sec. 11-1421. Conditions for operating ambulances and rescue vehicles.

(a) No person shall operate an ambulance or rescue vehicle in a manner not conforming to the motor vehicle laws and regulations of this State or of any political subdivision of this State as such laws and regulations apply to motor vehicles in general, unless in compliance with the following conditions:

0.5. The operator of the ambulance or rescue vehicle shall have documented training in the operation of an ambulance or rescue vehicle prior to operating that vehicle. This training shall include the proper use of warning lights and sirens, situations where warning lights and sirens are warranted, and the provisions of this Section.

1. The person operating the ambulance shall be either responding to a bona fide emergency call or specifically directed by a licensed physician to disregard traffic laws in operating the ambulance during and for the purpose of the specific trip or journey that is involved;

2. The ambulance or rescue vehicle shall be equipped with a siren producing an audible signal of an intensity of 100 decibels at a distance of 50 feet from the siren, and with a lamp or lamps emitting an oscillating, rotating or flashing red beam directed in part toward the front of the vehicle, and these lamps shall have sufficient intensity to be visible at 500 feet in normal sunlight, and in addition to other lighting requirements, excluding those vehicles operated in counties with a population in excess of 2,000,000, may also operate with a lamp or lamps emitting an oscillating, rotating, or flashing green light;

3. The aforesaid siren and lamp or lamps shall be in operation at all times when it is reasonably necessary to warn pedestrians and other drivers of the approach thereof during such trip or journey, except that in a municipality with a population over 1,000,000, the siren and lamp or lamps shall be in operation only when it is reasonably necessary to warn pedestrians and other drivers of the approach thereof while responding to an emergency call or transporting a patient who presents a combination of circumstances resulting in a need for immediate medical intervention;

4. Whenever the ambulance or rescue vehicle is operated at a speed in excess of 40 miles per hour, the ambulance or rescue vehicle shall be operated in complete conformance with every other motor vehicle law and regulation of this State and of the political subdivision in which the ambulance or rescue vehicle is operated, relating to the operation of motor vehicles, as such provision applies to motor vehicles in general, except laws and regulations pertaining to compliance with official traffic-control devices or to vehicular operation upon the right half of the roadway; and

5. The ambulance shall display registration plates identifying the vehicle as an ambulance.

(a-5) The driver of an ambulance or rescue vehicle may proceed past a red traffic control signal or stop sign if the ambulance or rescue vehicle is making use of both the audible and visual signals meeting the requirement of this Section, but only after slowing down as necessary for safe operation.

(b) The foregoing provisions do not relieve the driver of an ambulance or rescue vehicle from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences resulting from the reckless disregard for the safety of others.
(Source: P.A. 100-962, eff. 1-1-19.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Belt, **Senate Bill No. 1291** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1291

AMENDMENT NO. 1 . Amend Senate Bill 1291 on page 1, line 13, after the period, by inserting: "This Section does not apply to taxes, fines, or fees."; and

on page 2, line 13, after the period, by inserting: "This subsection does not apply to taxes, fines, or fees.".

Senator Belt offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1291

AMENDMENT NO. 2 . Amend Senate Bill 1291 on page 1, line 5, by replacing "Section 10.3" with "Sections 10.3 and 10.4"; and

on page 1, immediately above line 14, by inserting the following:

"(30 ILCS 210/10.4 new)

Sec. 10.4. Ten-year limitation. When a State agency is attempting to collect outstanding health benefits premiums from a covered employee who was reinstated to employment status after a grievance resolution, the State agency shall provide the employee with a written notice and demand for payment of the premiums within 10 years of when the State agency's right to collect the premiums first accrued. Otherwise, the State agency is barred from attempting to collect such premiums.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Gillespie, **Senate Bill No. 1476** having been printed, was taken up, read by title a second time.

Senator Gillespie offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1476

AMENDMENT NO. 1 . Amend Senate Bill 1476 by replacing everything after the enacting clause with the following:

"Section 5. The Affordable Housing Planning and Appeal Act is amended by changing Sections 15, 25, 30, and 50 as follows:

(310 ILCS 67/15)

Sec. 15. Definitions. As used in this Act:

"Affordable housing" means housing that has a value or cost or rental amount that is within the means of a household that may occupy moderate-income or low-income housing. In the case of owner-occupied dwelling units, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of dwelling units for rent, housing that is affordable means housing for which the rent~~, any required parking, maintenance, landlord-imposed fees,~~ and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of dwelling units for rent, the costs of any required parking, maintenance, or landlord-imposed fees are to be included in the calculation of affordable housing if available from the U.S. Census Bureau.

"Affordable housing developer" means a nonprofit entity, limited equity cooperative or public agency, or private individual, firm, corporation, or other entity seeking to build an affordable housing development.

"Affordable housing development" means (i) any housing that is subsidized by the federal or State government or (ii) any housing in which at least 20% of the dwelling units are subject to covenants or restrictions that require that the dwelling units be sold or rented at prices that preserve them as affordable housing for a period of at least 15 years, in the case of owner-occupied housing, and at least 30 years, in the case of rental housing.

"Approving authority" means the governing body of the county or municipality.

"Area median household income" means the median household income adjusted for family size for applicable income limit areas as determined annually by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937.

"Community land trust" means a private, not-for-profit corporation organized exclusively for charitable, cultural, and other purposes and created to acquire and own land for the benefit of the local government, including the creation and preservation of affordable housing.

"Development" means any building, construction, renovation, or excavation or any material change in any structure or land, or change in the use of such structure or land, that results in a net increase in the number of dwelling units in a structure or on a parcel of land by more than one dwelling unit.

"Exempt local government" means any local government in which at least 15% of its total year-round housing units are affordable, as determined by the Illinois Housing Development Authority in accordance with Section 20, or any municipality with a population under 2,500. ~~"Exempt local government" means any local government in which at least 10% of its total year-round housing units are affordable, as determined by the Illinois Housing Development Authority pursuant to Section 20 of this Act; or any municipality under 1,000 population.~~

"Household" means the person or persons occupying a dwelling unit.

"Housing trust fund" means a separate fund, either within a local government or between local governments pursuant to intergovernmental agreement, established solely for the purposes authorized in subsection (d) of Section 25, including, without limitation, the holding and disbursing of financial resources to address the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing.

"Local government" means a county or municipality.

"Low-income housing" means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50% of the area median household income.

"Moderate-income housing" means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than 50% but does not exceed 80% of the area median household income.

"Non-appealable local government requirements" means all essential requirements that protect the public health and safety, including any local building, electrical, fire, or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment.

(Source: P.A. 102-175, eff. 7-29-21.)

(310 ILCS 67/25)

Sec. 25. Affordable housing plan.

(a) Prior to April 1, 2005, all non-exempt local governments must approve an affordable housing plan. Any local government that is determined by the Illinois Housing Development Authority under Section 20 to be non-exempt for the first time based on the recalculation of U.S. Census Bureau data after 2010 shall have 18 months from the date of notification of its non-exempt status to approve an affordable housing plan under this Act. On and after the effective date of this amendatory Act of the 102nd General Assembly, an affordable housing plan, or any revision thereof, shall not be adopted by a non-exempt local government until notice and opportunity for public hearing have first been afforded.

(b) For the purposes of this Act, the affordable housing plan shall consist of at least the following:

(i) a statement of the total number of affordable housing units that are necessary to exempt the local government from the operation of this Act as defined in Section 15 and Section 20;

(ii) an identification of lands within the jurisdiction that are most appropriate for the construction of affordable housing and of existing structures most appropriate for conversion to, or rehabilitation for, affordable housing, including a consideration of affordable housing for both owner-occupied dwelling units and dwelling units for rent, lands and structures of developers who have expressed a commitment to provide affordable housing, and lands and structures that are publicly or semi-publicly owned;

(iii) incentives that local governments may provide for the purpose of attracting affordable housing to their jurisdiction; ~~and~~

(iv) a description of any housing market conditions, infrastructure limitations, local government ordinances, including zoning and land use ordinances, local government policies or practices that do not affirmatively further fair housing as defined in the federal Fair Housing Act, and other local factors that constrain the local government's ability to create and preserve affordable housing;

(v) a plan or potential strategies to eliminate or mitigate these constraints identified in item (iv);

(vi) one or more of the following goals with plans to accomplish the goals within a period of no more than 5 years: ~~(iv) a goal of~~ a minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in this Act; ~~or~~ a minimum of a 5 ~~3~~ percentage point increase in the overall percentage of affordable housing within its jurisdiction, as described in subsection (b) of Section 20 of this Act; or a minimum of a total of 15% ~~10%~~ affordable housing within its jurisdiction as described in subsection (b) of Section 20 of this Act. These goals may be met, in whole or in part, through the creation of affordable housing units under intergovernmental agreements as described in subsection (e) of this Section; and ~~.~~

(vii) proposed timelines, within the first 24 months after the date upon which the affordable housing plan was adopted, for actions to implement the components of the affordable housing plan.

Local governments that have previously been determined as a non-exempt municipality and that have submitted an affordable housing plan shall also include a summary of actions taken to implement the previously submitted plan, as well as a summary of progress made toward achieving the goals of the plan.

To comply with the affordable housing plan requirements, no later than 36 months after adopting or updating an affordable housing plan the local government shall submit a report to the Illinois Housing Development Authority summarizing actions taken to implement the current plan.

(c) Within 60 days after the adoption of an affordable housing plan or revisions to its affordable housing plan, the local government must submit a copy of that plan to the Illinois Housing Development Authority.

(d) In order to promote the goals of this Act and to maximize the creation, establishment, or preservation of affordable housing throughout the State of Illinois, a local government, whether exempt or non-exempt under this Act, may adopt the following measures to address the need for affordable housing:

(1) Local governments may individually or jointly create or participate in a housing trust fund or otherwise provide funding or support for the purpose of supporting affordable housing, including, without limitation, to support the following affordable housing activities:

(A) Housing production, including, without limitation, new construction, rehabilitation, and adaptive re-use.

(B) Acquisition, including, without limitation, land, single-family homes, multi-unit buildings, and other existing structures that may be used in whole or in part for residential use.

(C) Rental payment assistance.

(D) Home-ownership purchase assistance.

(E) Preservation of existing affordable housing.

(F) Weatherization.

(G) Emergency repairs.

(H) Housing related support services, including homeownership education and financial counseling.

(I) Grants or loans to not-for-profit organizations engaged in addressing the affordable housing needs of low-income and moderate-income households.

Local governments may authorize housing trust funds to accept and utilize funds, property, and other resources from all proper and lawful public and private sources so long as those funds are used solely for addressing the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing.

(2) A local government may create a community land trust, which may: acquire developed or undeveloped interests in real property and hold them for affordable housing purposes; convey such interests under long-term leases, including ground leases; convey such interests for affordable housing purposes; and retain an option to reacquire any such real property interests at a price determined by a formula ensuring that such interests may be utilized for affordable housing purposes.

(3) A local government may use its zoning powers to require the creation and preservation of affordable housing as authorized under Section 5-12001 of the Counties Code and Section 11-13-1 of the Illinois Municipal Code.

(4) A local government may accept donations of money or land for the purpose of addressing the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing. These donations may include, without limitation, donations of money or land from persons, as long as the donations are demonstrably used to preserve, create, or subsidize low-income housing or moderate-income housing within the jurisdiction.

(e) In order to encourage regional cooperation and the maximum creation of affordable housing in areas lacking such housing in the State of Illinois, any non-exempt local government may enter into intergovernmental agreements under subsection (e) of Section 25 with local governments within 10 miles of its corporate boundaries in order to create affordable housing units to meet the goals of this Act. A non-exempt local government may not enter into an intergovernmental agreement, however, with any local government that contains more than 25% affordable housing as determined under Section 20 of this Act. All intergovernmental agreements entered into to create affordable housing units to meet the goals of this Act must also specify the basis for determining how many of the affordable housing units created will be credited to each local government participating in the agreement for purposes of complying with this Act. All intergovernmental agreements entered into to create affordable housing units to meet the goals of this Act must also specify the anticipated number of newly created affordable housing units that are to be

credited to each local government participating in the agreement for purposes of complying with this Act. In specifying how many affordable housing units will be credited to each local government, the same affordable housing unit may not be counted by more than one local government.

(f) To enforce compliance with the provisions of this Section, and to encourage local governments to submit their affordable housing plans to the Illinois Housing Development Authority in a timely manner, the Illinois Housing Development Authority shall notify any local government and ~~may~~ notify the Office of the Attorney General that the local government is in violation of State law if the Illinois Housing Development Authority finds that the affordable housing plan submitted is not in substantial compliance with this Section or that the local government failed to submit an affordable housing plan. The Attorney General may enforce this provision of the Act by an action for mandamus or injunction or by means of other appropriate relief.

(g) The Illinois Housing Development Authority shall post each affordable housing plan submitted by a local government on the Illinois Housing Development Authority's website.

(Source: P.A. 102-175, eff. 7-29-21.)

(310 ILCS 67/30)

Sec. 30. Appeal to State Housing Appeals Board.

(a) (Blank).

(b) (Blank). ~~Beginning January 1, 2009, an affordable housing developer whose application is either denied or approved with conditions that in his or her judgment render the provision of affordable housing infeasible may, within 45 days after the decision, appeal to the State Housing Appeals Board challenging that decision unless the municipality or county that rendered the decision is exempt under Section 15 of this Act. The developer must submit information regarding why the developer believes he or she was unfairly denied or unreasonable conditions were placed upon the tentative approval of the development. In the case of local governments that are determined by the Illinois Housing Development Authority under Section 20 to be non-exempt for the first time based on the recalculation of U.S. Census Bureau data after the effective date of this amendatory Act of the 98th General Assembly, no developer may appeal to the State Housing Appeals Board until 60 months after a local government has been notified of its non-exempt status.~~

(b-5) Beginning January 1, 2026, an affordable housing developer, or resident of the municipality where an affordable housing development is proposed, may file an appeal as an appellant to the State Housing Appeals Board against a non-exempt municipality if the proposed affordable housing development was denied by the municipality or approved with conditions that in the appellant's judgment render the provision of affordable housing infeasible. Appeals must be filed within 45 days after the decision by the municipality. The appellant must submit information regarding why the appellant believes the affordable housing development was unfairly denied or unreasonable conditions were placed upon the tentative approval of the development. In the case of local governments that are determined by the Illinois Housing Development Authority under Section 20 to be non-exempt for the first time based on the recalculation of U.S. Census Bureau data after the effective date of this amendatory Act of the 103rd General Assembly, no developer may appeal to the State Housing Appeals Board until 6 months after a local government has been notified of its non-exempt status.

(c) Beginning on the effective date of this amendatory Act of the 98th General Assembly, the Board shall, whenever possible, render a decision on the appeal within 120 days after the appeal is filed. The Board may extend the time by which it will render a decision where circumstances outside the Board's control make it infeasible for the Board to render a decision within 120 days. In any proceeding before the Board, the appellant ~~affordable housing developer~~ bears the burden of demonstrating that the proposed affordable housing development (i) has been unfairly denied or (ii) has had unreasonable conditions placed upon it by the decision of the local government.

(d) The Board shall dismiss any appeal if:

(i) the local government has adopted an affordable housing plan as defined in Section 25 of this Act and submitted that plan to the Illinois Housing Development Authority within the time frame required by this Act; and

(ii) the local government has implemented its affordable housing plan and has met its goal as established in its affordable housing plan as defined in Section 25 of this Act.

(e) The Board shall dismiss any appeal if the reason for denying the application or placing conditions upon the approval is a non-appealable local government requirement under Section 15 of this Act.

(f) The Board may affirm, reverse, or modify the conditions of, or add conditions to, a decision made by the approving authority. The decision of the Board constitutes an order directed to the approving authority and is binding on the local government.

(g) The appellate court has the exclusive jurisdiction to review decisions of the Board. Any appeal to the Appellate Court of a final ruling by the State Housing Appeals Board may be heard only in the Appellate Court for the District in which the local government involved in the appeal is located. The appellate court shall apply the "clearly erroneous" standard when reviewing such appeals. An appeal of a final ruling of the Board shall be filed within 35 days after the Board's decision and in all respects shall be in accordance with Section 3-113 of the Code of Civil Procedure.
(Source: P.A. 98-287, eff. 8-9-13.)

(310 ILCS 67/50)

Sec. 50. Housing Appeals Board.

(a) On and after the effective date of this amendatory Act of the 103rd General Assembly, the ~~Prior to January 1, 2008, a~~ Housing Appeals Board consists ~~shall be created consisting~~ of 5 ~~7~~ members appointed by the Governor as follows:

(1) a current or retired circuit judge, ~~or retired~~ appellate judge, administrative law judge, or attorney with experience in the area of land use law, who shall act as chairperson;

(2) 3 members selected from among the following categories:

(A) county or municipal zoning board of appeals members;

(B) county or municipal planning board members;

(C) a mayor or municipal council or board member;

(D) a county board member; and ~~a zoning board of appeals member;~~

(3) ~~a planning board member;~~

~~(4) a mayor or municipal council or board member;~~

~~(5) a county board member;~~

~~(6) an affordable housing developer; and~~

~~(7)~~ an affordable housing advocate.

In addition, the Chairman of the Illinois Housing Development Authority, ex officio, shall serve as a non-voting member. At least one of the appointments under paragraph (2) shall be from a local government that is non-exempt under this Act. ~~No more than 4 of the appointed members may be from the same political party. Appointments under items (2), (3), and (4) shall be from local governments that are not exempt under this Act.~~

(b) Initial terms of 3 of the ~~4~~ members designated by the Governor under this amendatory Act of the 103rd General Assembly shall be for 2 years. Initial terms of 2 of the ~~3~~ members designated by the Governor under this amendatory Act of the 103rd General Assembly shall be for one year. Thereafter, members shall be appointed for terms of 2 years. After a member's term expires, the member shall continue to serve until a successor is appointed. There shall be no limit to the number of terms an appointee may serve. A member shall receive no compensation for his or her services, but shall be reimbursed by the State for all reasonable expenses actually and necessarily incurred in the performance of his or her official duties. The board shall hear all petitions for review filed under this Act and shall conduct all hearings in accordance with the rules and regulations established by the chairperson. The Illinois Housing Development Authority shall provide space and clerical and other assistance that the Board may require.

(c) (Blank).

(d) To the extent possible, any vacancies in the Housing Appeals Board shall be filled within 90 days of the vacancy.

(e) The terms of members serving before the effective date of this amendatory Act of the 103rd General Assembly expire on the effective date of this amendatory Act of the 103rd General Assembly.
(Source: P.A. 102-175, eff. 7-29-21.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator N. Harris, **Senate Bill No. 1494** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **Senate Bill No. 1497** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Health and Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1497

AMENDMENT NO. 1 . Amend Senate Bill 1497 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing Home Care Act is amended by changing Sections 1-112, 2-106, and 2-106.1 as follows:

(210 ILCS 45/1-112) (from Ch. 111 1/2, par. 4151-112)

Sec. 1-112. "Emergency" means a situation, physical condition, or one or more practices, methods, or operations which present imminent danger of death or serious physical or mental harm to residents of a facility and are clinically documented in the resident's medical record.

(Source: P.A. 81-223.)

(210 ILCS 45/2-106) (from Ch. 111 1/2, par. 4152-106)

Sec. 2-106. Restraints.

(a) For purposes of this Act, ~~(i)~~ a physical restraint is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a resident's body that the resident cannot remove easily and restricts freedom of movement or normal access to one's body, and ~~. Devices used for positioning, including but not limited to bed rails, gait belts, and cushions, shall not be considered to be restraints for purposes of this Section; (ii)~~ a chemical restraint is any drug used for discipline or convenience and not required to treat medical symptoms.

Devices used for positioning, including, but not limited to, bed rails, gait belts, and cushions, shall not be considered to be physical restraints for purposes of this Act unless the device is used to restrain or otherwise limit the patient's freedom to move. The need for a device used for positioning must be physically demonstrated by the resident and documented in the resident's care plan. The physically demonstrated need of the resident for a device used for positioning must be revisited in every comprehensive assessment of the resident.

The Department shall by rule, designate certain devices as restraints, including at least all those devices which have been determined to be restraints by the United States Department of Health and Human Services in interpretive guidelines issued for the purposes of administering Titles XVIII and XIX of the Social Security Act.

(b) Neither restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel. No restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints or confinements in the resident's clinical record.

(c) A restraint may be used only with the informed consent of the resident, the resident's guardian, or other authorized representative. A restraint may be used only for specific periods, if it is the least restrictive means necessary to attain and maintain the resident's highest practicable physical, mental or psychosocial well-being, including brief periods of time to provide necessary life-saving treatment. A restraint may be used only after consultation with appropriate health professionals, such as occupational or physical therapists, and a trial of less restrictive measures has led to the determination that the use of less restrictive measures would not attain or maintain the resident's highest practicable physical, mental or psychosocial well-being. However, if the resident needs emergency care, restraints may be used for brief periods to permit medical treatment to proceed unless the facility has notice that the resident has previously made a valid refusal of the treatment in question.

(d) A restraint may be applied only by a person trained in the application of the particular type of restraint.

(e) Whenever a period of use of a restraint is initiated, the resident shall be advised of his or her right to have a person or organization of his or her choosing, including the Guardianship and Advocacy Commission, notified of the use of the restraint. A recipient who is under guardianship may request that a person or organization of his or her choosing be notified of the restraint, whether or not the guardian approves the notice. If the resident so chooses, the facility shall make the notification within 24 hours, including any information about the period of time that the restraint is to be used. Whenever the Guardianship and Advocacy Commission is notified that a resident has been restrained, it shall contact the resident to determine the circumstances of the restraint and whether further action is warranted.

(f) Whenever a restraint is used on a resident whose primary mode of communication is sign language, the resident shall be permitted to have his or her hands free from restraint for brief periods each hour, except when this freedom may result in physical harm to the resident or others.

(g) The requirements of this Section are intended to control in any conflict with the requirements of Sections 1-126 and 2-108 of the Mental Health and Developmental Disabilities Code.

(Source: P.A. 97-135, eff. 7-14-11.)

(210 ILCS 45/2-106.1)

Sec. 2-106.1. Drug treatment.

(a) A resident shall not be given unnecessary drugs. An unnecessary drug is any drug used in an excessive dose, including in duplicative therapy; for excessive duration; without adequate monitoring; without adequate indications for its use; or in the presence of adverse consequences that indicate the drugs should be reduced or discontinued. The Department shall adopt, by rule, the standards for unnecessary drugs contained in interpretive guidelines issued by the United States Department of Health and Human Services for the purposes of administering Titles XVIII and XIX of the Social Security Act.

(b) State laws, regulations, and policies related to psychotropic medication are intended to ensure psychotropic medications are used only when the medication is appropriate to treat a resident's specific, diagnosed, and documented condition and the medication is beneficial to the resident, as demonstrated by monitoring and documentation of the resident's response to the medication.

(b-3) Except in the case of an emergency, psychotropic medication shall not be administered without the informed consent of the resident or the resident's surrogate decision maker. Psychotropic medication shall only be given in both emergency and nonemergency situations if the diagnosis of the resident supports the benefit of the medication and clinical documentation in the resident's medical record supports the benefit of the medication over the contraindications related to other prescribed medications. "Psychotropic medication" means medication that is used for or listed as used for psychotropic, antidepressant, antimanic, or antianxiety behavior modification or behavior management purposes in the latest editions of the AMA Drug Evaluations or the Physician's Desk Reference. "Emergency" has the same meaning as in Section 1-112 of the Nursing Home Care Act. A facility shall (i) document the alleged emergency in detail, including the facts surrounding the medication's need, and (ii) present this documentation to the resident and the resident's representative. The Department shall adopt, by rule, a protocol specifying how informed consent for psychotropic medication may be obtained or refused. The protocol shall require, at a minimum, a discussion between (i) the resident or the resident's surrogate decision maker and (ii) the resident's physician, a registered pharmacist, or a licensed nurse about the possible risks and benefits of a recommended medication and the use of standardized consent forms designated by the Department. The protocol shall include informing the resident, surrogate decision maker, or both of the existence of a copy of: the resident's care plan; the facility policies and procedures adopted in compliance with subsection (b-15) of this Section; and a notification that the most recent of the resident's care plans and the facility's policies are available to the resident or surrogate decision maker upon request. Each form designated or developed by the Department (i) shall be written in plain language, (ii) shall be able to be downloaded from the Department's official website or another website designated by the Department, (iii) shall include information specific to the psychotropic medication for which consent is being sought, and (iv) shall be used for every resident for whom psychotropic drugs are prescribed. The Department shall utilize the rules, protocols, and forms developed and implemented under the Specialized Mental Health Rehabilitation Act of 2013 in effect on the effective date of this amendatory Act of the 101st General Assembly, except to the extent that this Act requires a different procedure, and except that the maximum possible period for informed consent shall be until: (1) a change in the prescription occurs, either as to type of psychotropic medication or an increase or decrease in dosage, dosage range, or titration schedule of the prescribed medication that was not included in the original informed consent; or (2) a resident's care plan changes. The Department may further amend the rules after January 1, 2021 pursuant to existing rulemaking authority. In addition to creating those forms, the Department shall approve the use of any other informed consent forms that meet criteria developed by the Department. At the discretion of the Department, informed consent forms may include side effects that the Department reasonably believes are more common, with a direction that more complete information can be found via a link on the Department's website to third-party websites with more complete information, such as the United States Food and Drug Administration's website. The Department or a facility shall incur no liability for information provided on a consent form so long as the consent form is substantially accurate based upon generally accepted medical principles and if the form includes the website links.

Informed consent shall be sought from the resident. For the purposes of this Section, "surrogate decision maker" means an individual representing the resident's interests as permitted by this Section. Informed consent shall be sought by the resident's guardian of the person if one has been named by a court of competent jurisdiction. In the absence of a court-ordered guardian, informed consent shall be sought from a health care agent under the Illinois Power of Attorney Act who has authority to give consent. If neither a court-ordered guardian of the person nor a health care agent under the Illinois Power of Attorney Act is available and the attending physician determines that the resident lacks capacity to make decisions, informed consent shall be sought from the resident's attorney-in-fact designated under the Mental Health Treatment Preference Declaration Act, if applicable, or the resident's representative.

In addition to any other penalty prescribed by law, a facility that is found to have violated this subsection, or the federal certification requirement that informed consent be obtained before administering a psychotropic medication, shall thereafter be required to obtain the signatures of 2 licensed health care professionals on every form purporting to give informed consent for the administration of a psychotropic medication, certifying the personal knowledge of each health care professional that the consent was obtained in compliance with the requirements of this subsection.

(b-5) A facility must obtain voluntary informed consent, in writing, from a resident or the resident's surrogate decision maker before administering or dispensing a psychotropic medication to that resident. When informed consent is not required for a change in dosage, the facility shall note in the resident's file that the resident was informed of the dosage change prior to the administration of the medication or that verbal, written, or electronic notice has been communicated to the resident's surrogate decision maker that a change in dosage has occurred.

(b-10) No facility shall deny continued residency to a person on the basis of the person's or resident's, or the person's or resident's surrogate decision maker's, refusal of the administration of psychotropic medication, unless the facility can demonstrate that the resident's refusal would place the health and safety of the resident, the facility staff, other residents, or visitors at risk.

A facility that alleges that the resident's refusal to consent to the administration of psychotropic medication will place the health and safety of the resident, the facility staff, other residents, or visitors at risk must: (1) document the alleged risk in detail; (2) present this documentation to the resident or the resident's surrogate decision maker, to the Department, and to the Office of the State Long Term Care Ombudsman; and (3) inform the resident or his or her surrogate decision maker of his or her right to appeal to the Department. The documentation of the alleged risk shall include a description of all nonpharmacological or alternative care options attempted and why they were unsuccessful.

(b-15) Within 100 days after the effective date of any rules adopted by the Department under subsection (b-3) ~~(b)~~ of this Section, all facilities shall implement written policies and procedures for compliance with this Section. When the Department conducts its annual survey of a facility, the surveyor may review these written policies and procedures and either:

(1) give written notice to the facility that the policies or procedures are sufficient to demonstrate the facility's intent to comply with this Section; or

(2) provide written notice to the facility that the proposed policies and procedures are deficient, identify the areas that are deficient, and provide 30 days for the facility to submit amended policies and procedures that demonstrate its intent to comply with this Section.

A facility's failure to submit the documentation required under this subsection is sufficient to demonstrate its intent to not comply with this Section and shall be grounds for review by the Department.

All facilities must provide training and education on the requirements of this Section to all personnel involved in providing care to residents and train and educate such personnel on the methods and procedures to effectively implement the facility's policies. Training and education provided under this Section must be documented in each personnel file.

(b-20) Upon the receipt of a report of any violation of this Section, the Department shall investigate and, upon finding sufficient evidence of a violation of this Section, may proceed with disciplinary action against the licensee of the facility. In any administrative disciplinary action under this subsection, the Department shall have the discretion to determine the gravity of the violation and, taking into account mitigating and aggravating circumstances and facts, may adjust the disciplinary action accordingly.

(b-25) A violation of informed consent that, for an individual resident, lasts for 7 days or more under this Section is, at a minimum, a Type "B" violation. A second violation of informed consent within a year from a previous violation in the same facility regardless of the duration of the second violation is, at a minimum, a Type "B" violation.

(b-30) Any violation of this Section by a facility may be enforced by an action brought by the Department in the name of the People of Illinois for injunctive relief, civil penalties, or both injunctive relief and civil penalties. The Department may initiate the action upon its own complaint or the complaint of any other interested party.

(b-35) Any resident who has been administered a psychotropic medication in violation of this Section may bring an action for injunctive relief, civil damages, and costs and attorney's fees against any facility responsible for the violation.

(b-40) An action under this Section must be filed within 2 years of either the date of discovery of the violation that gave rise to the claim or the last date of an instance of a noncompliant administration of psychotropic medication to the resident, whichever is later.

(b-45) A facility subject to action under this Section shall be liable for damages of up to $500 for each day after discovery of a violation that the facility violates the requirements of this Section.

(b-55) The rights provided for in this Section are cumulative to existing resident rights. No part of this Section shall be interpreted as abridging, abrogating, or otherwise diminishing existing resident rights or causes of action at law or equity.

(c) The requirements of this Section are intended to control in a conflict with the requirements of Sections 2-102 and 2-107.2 of the Mental Health and Developmental Disabilities Code with respect to the administration of psychotropic medication.

(d) In this Section only, "licensed nurse" means an advanced practice registered nurse, a registered nurse, or a licensed practical nurse.

(Source: P.A. 101-10, eff. 6-5-19; 102-646, eff. 8-27-21.)".

Senator Villa offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1497

AMENDMENT NO. 2 . Amend Senate Bill 1497 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing Home Care Act is amended by changing Sections 1-112, 2-106, and 2-106.1 as follows:

(210 ILCS 45/1-112) (from Ch. 111 1/2, par. 4151-112)

Sec. 1-112. "Emergency" means a situation, physical condition, or one or more practices, methods, or operations which present imminent danger of death or serious physical or mental harm to residents of a facility and are clinically documented in the resident's medical record.

(Source: P.A. 81-223.)

(210 ILCS 45/2-106) (from Ch. 111 1/2, par. 4152-106)

Sec. 2-106. Restraints.

(a) For purposes of this Act, ~~(i)~~ a physical restraint is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a resident's body that the resident cannot remove easily and restricts freedom of movement or normal access to one's body, and ~~. Devices used for positioning, including but not limited to bed rails, gait belts, and cushions, shall not be considered to be restraints for purposes of this Section; (ii)~~ a chemical restraint is any drug used for discipline or convenience and not required to treat medical symptoms.

Devices used for positioning, including, but not limited to, bed rails and gait belts, shall not be considered to be physical restraints for purposes of this Act unless the device is used to restrain or otherwise limit the patient's freedom to move. A device used for positioning must be requested by the resident, the resident's guardian, or the resident's authorized representative, or the need for that device must be physically demonstrated by the resident and documented in the resident's care plan. The physically demonstrated need of the resident for a device used for positioning must be revisited in every comprehensive assessment of the resident.

The Department shall by rule, designate certain devices as restraints, including at least all those devices which have been determined to be restraints by the United States Department of Health and Human Services in interpretive guidelines issued for the purposes of administering Titles XVIII and XIX of the Social Security Act.

(b) Neither restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel. No restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints or confinements in the resident's clinical record.

(c) A restraint may be used only with the informed consent of the resident, the resident's guardian, or other authorized representative. A restraint may be used only for specific periods, if it is the least restrictive means necessary to attain and maintain the resident's highest practicable physical, mental or psychosocial well-being, including brief periods of time to provide necessary life-saving treatment. A restraint may be used only after consultation with appropriate health professionals, such as occupational or physical therapists, and a trial of less restrictive measures has led to the determination that the use of less restrictive measures would not attain or maintain the resident's highest practicable physical, mental or psychosocial well-being. However, if the resident needs emergency care, restraints may be used for brief periods to permit medical treatment to proceed unless the facility has notice that the resident has previously made a valid refusal of the treatment in question.

(d) A restraint may be applied only by a person trained in the application of the particular type of restraint.

(e) Whenever a period of use of a restraint is initiated, the resident shall be advised of his or her right to have a person or organization of his or her choosing, including the Guardianship and Advocacy Commission, notified of the use of the restraint. A recipient who is under guardianship may request that a person or organization of his or her choosing be notified of the restraint, whether or not the guardian approves the notice. If the resident so chooses, the facility shall make the notification within 24 hours, including any information about the period of time that the restraint is to be used. Whenever the Guardianship and Advocacy Commission is notified that a resident has been restrained, it shall contact the resident to determine the circumstances of the restraint and whether further action is warranted.

(f) Whenever a restraint is used on a resident whose primary mode of communication is sign language, the resident shall be permitted to have his or her hands free from restraint for brief periods each hour, except when this freedom may result in physical harm to the resident or others.

(g) The requirements of this Section are intended to control in any conflict with the requirements of Sections 1-126 and 2-108 of the Mental Health and Developmental Disabilities Code.

(Source: P.A. 97-135, eff. 7-14-11.)

(210 ILCS 45/2-106.1)

Sec. 2-106.1. Drug treatment.

(a) A resident shall not be given unnecessary drugs. An unnecessary drug is any drug used in an excessive dose, including in duplicative therapy; for excessive duration; without adequate monitoring; without adequate indications for its use; or in the presence of adverse consequences that indicate the drugs should be reduced or discontinued. The Department shall adopt, by rule, the standards for unnecessary drugs contained in interpretive guidelines issued by the United States Department of Health and Human Services for the purposes of administering Titles XVIII and XIX of the Social Security Act.

(b) State laws, regulations, and policies related to psychotropic medication are intended to ensure psychotropic medications are used only when the medication is appropriate to treat a resident's specific, diagnosed, and documented condition and the medication is beneficial to the resident, as demonstrated by monitoring and documentation of the resident's response to the medication.

(b-3) Except in the case of an emergency, psychotropic medication shall not be administered without the informed consent of the resident or the resident's surrogate decision maker. Psychotropic medication shall only be given in both emergency and nonemergency situations if the diagnosis of the resident supports the benefit of the medication and clinical documentation in the resident's medical record supports the benefit of the medication over the contraindications related to other prescribed medications. "Psychotropic medication" means medication that is used for or listed as used for psychotropic, antidepressant, antimanic, or antianxiety behavior modification or behavior management purposes in the latest editions of the AMA Drug Evaluations or the Physician's Desk Reference. "Emergency" has the same meaning as in Section 1-112 of the Nursing Home Care Act. A facility shall (i) document the alleged emergency in detail, including the facts surrounding the medication's need, and (ii) present this documentation to the resident and the resident's representative. The Department shall adopt, by rule, a protocol specifying how informed consent for psychotropic medication may be obtained or refused. The protocol shall require, at a minimum, a discussion between (i) the resident or the resident's surrogate decision maker and (ii) the resident's physician, a registered pharmacist, or a licensed nurse about the possible risks and benefits of a recommended medication and the use of standardized consent forms designated by the Department. The

protocol shall include informing the resident, surrogate decision maker, or both of the existence of a copy of: the resident's care plan; the facility policies and procedures adopted in compliance with subsection (b-15) of this Section; and a notification that the most recent of the resident's care plans and the facility's policies are available to the resident or surrogate decision maker upon request. Each form designated or developed by the Department (i) shall be written in plain language, (ii) shall be able to be downloaded from the Department's official website or another website designated by the Department, (iii) shall include information specific to the psychotropic medication for which consent is being sought, and (iv) shall be used for every resident for whom psychotropic drugs are prescribed. The Department shall utilize the rules, protocols, and forms developed and implemented under the Specialized Mental Health Rehabilitation Act of 2013 in effect on the effective date of this amendatory Act of the 101st General Assembly, except to the extent that this Act requires a different procedure, and except that the maximum possible period for informed consent shall be until: (1) a change in the prescription occurs, either as to type of psychotropic medication or an increase or decrease in dosage, dosage range, or titration schedule of the prescribed medication that was not included in the original informed consent; or (2) a resident's care plan changes. The Department may further amend the rules after January 1, 2021 pursuant to existing rulemaking authority. In addition to creating those forms, the Department shall approve the use of any other informed consent forms that meet criteria developed by the Department. At the discretion of the Department, informed consent forms may include side effects that the Department reasonably believes are more common, with a direction that more complete information can be found via a link on the Department's website to third-party websites with more complete information, such as the United States Food and Drug Administration's website. The Department or a facility shall incur no liability for information provided on a consent form so long as the consent form is substantially accurate based upon generally accepted medical principles and if the form includes the website links.

Informed consent shall be sought from the resident. For the purposes of this Section, "surrogate decision maker" means an individual representing the resident's interests as permitted by this Section. Informed consent shall be sought by the resident's guardian of the person if one has been named by a court of competent jurisdiction. In the absence of a court-ordered guardian, informed consent shall be sought from a health care agent under the Illinois Power of Attorney Act who has authority to give consent. If neither a court-ordered guardian of the person nor a health care agent under the Illinois Power of Attorney Act is available and the attending physician determines that the resident lacks capacity to make decisions, informed consent shall be sought from the resident's attorney-in-fact designated under the Mental Health Treatment Preference Declaration Act, if applicable, or the resident's representative.

In addition to any other penalty prescribed by law, a facility that is found to have violated this subsection, or the federal certification requirement that informed consent be obtained before administering a psychotropic medication, shall thereafter be required to obtain the signatures of 2 licensed health care professionals on every form purporting to give informed consent for the administration of a psychotropic medication, certifying the personal knowledge of each health care professional that the consent was obtained in compliance with the requirements of this subsection.

(b-5) A facility must obtain voluntary informed consent, in writing, from a resident or the resident's surrogate decision maker before administering or dispensing a psychotropic medication to that resident. When informed consent is not required for a change in dosage, the facility shall note in the resident's file that the resident was informed of the dosage change prior to the administration of the medication or that verbal, written, or electronic notice has been communicated to the resident's surrogate decision maker that a change in dosage has occurred.

(b-10) No facility shall deny continued residency to a person on the basis of the person's or resident's, or the person's or resident's surrogate decision maker's, refusal of the administration of psychotropic medication, unless the facility can demonstrate that the resident's refusal would place the health and safety of the resident, the facility staff, other residents, or visitors at risk.

A facility that alleges that the resident's refusal to consent to the administration of psychotropic medication will place the health and safety of the resident, the facility staff, other residents, or visitors at risk must: (1) document the alleged risk in detail; (2) present this documentation to the resident or the resident's surrogate decision maker, to the Department, and to the Office of the State Long Term Care Ombudsman; and (3) inform the resident or his or her surrogate decision maker of his or her right to appeal to the Department. The documentation of the alleged risk shall include a description of all nonpharmacological or alternative care options attempted and why they were unsuccessful.

(b-15) Within 100 days after the effective date of any rules adopted by the Department under subsection (b-3) ~~(b)~~ of this Section, all facilities shall implement written policies and procedures for compliance with this Section. When the Department conducts its annual survey of a facility, the surveyor may review these written policies and procedures and either:

(1) give written notice to the facility that the policies or procedures are sufficient to demonstrate the facility's intent to comply with this Section; or

(2) provide written notice to the facility that the proposed policies and procedures are deficient, identify the areas that are deficient, and provide 30 days for the facility to submit amended policies and procedures that demonstrate its intent to comply with this Section.

A facility's failure to submit the documentation required under this subsection is sufficient to demonstrate its intent to not comply with this Section and shall be grounds for review by the Department.

All facilities must provide training and education on the requirements of this Section to all personnel involved in providing care to residents and train and educate such personnel on the methods and procedures to effectively implement the facility's policies. Training and education provided under this Section must be documented in each personnel file.

(b-20) Upon the receipt of a report of any violation of this Section, the Department shall investigate and, upon finding sufficient evidence of a violation of this Section, may proceed with disciplinary action against the licensee of the facility. In any administrative disciplinary action under this subsection, the Department shall have the discretion to determine the gravity of the violation and, taking into account mitigating and aggravating circumstances and facts, may adjust the disciplinary action accordingly.

(b-25) A violation of informed consent that, for an individual resident, lasts for 7 days or more under this Section is, at a minimum, a Type "B" violation. A second violation of informed consent within a year from a previous violation in the same facility regardless of the duration of the second violation is, at a minimum, a Type "B" violation.

(b-30) Any violation of this Section by a facility may be enforced by an action brought by the Department in the name of the People of Illinois for injunctive relief, civil penalties, or both injunctive relief and civil penalties. The Department may initiate the action upon its own complaint or the complaint of any other interested party.

(b-35) Any resident who has been administered a psychotropic medication in violation of this Section may bring an action for injunctive relief, civil damages, and costs and attorney's fees against any facility responsible for the violation.

(b-40) An action under this Section must be filed within 2 years of either the date of discovery of the violation that gave rise to the claim or the last date of an instance of a noncompliant administration of psychotropic medication to the resident, whichever is later.

(b-45) A facility subject to action under this Section shall be liable for damages of up to $500 for each day after discovery of a violation that the facility violates the requirements of this Section.

(b-55) The rights provided for in this Section are cumulative to existing resident rights. No part of this Section shall be interpreted as abridging, abrogating, or otherwise diminishing existing resident rights or causes of action at law or equity.

(c) The requirements of this Section are intended to control in a conflict with the requirements of Sections 2-102 and 2-107.2 of the Mental Health and Developmental Disabilities Code with respect to the administration of psychotropic medication.

(d) In this Section only, "licensed nurse" means an advanced practice registered nurse, a registered nurse, or a licensed practical nurse.

(Source: P.A. 101-10, eff. 6-5-19; 102-646, eff. 8-27-21.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Halpin, **Senate Bill No. 1748** having been printed, was taken up, read by title a second time.

Senator Halpin offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1748

AMENDMENT NO. 1 . Amend Senate Bill 1748 on page 2, line 18, by replacing "occur" with "commence".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Gillespie, **Senate Bill No. 1817** having been printed, was taken up, read by title a second time.

Senator Gillespie offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1817

AMENDMENT NO. 1 . Amend Senate Bill 1817 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Human Rights Act is amended by changing Sections 3-101, 3-102, 3-102.10, 3-103, 3-104.1, and 3-106 as follows:

(775 ILCS 5/3-101) (from Ch. 68, par. 3-101)

Sec. 3-101. Definitions. The following definitions are applicable strictly in the context of this Article:

(A) Real Property. "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

(B) Real Estate Transaction. "Real estate transaction" includes the sale, exchange, rental or lease of real property. "Real estate transaction" also includes the brokering or appraising of residential real property and the making or purchasing of loans or providing other financial assistance:

(1) for purchasing, constructing, improving, repairing or maintaining a dwelling; or

(2) secured by residential real estate.

(C) Housing Accommodations. "Housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

(D) Real Estate Broker or Salesman. "Real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds oneself ~~himself or herself~~ out as engaged in these.

(E) Familial Status. "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:

(1) a parent or person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded by this Article against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(F) Conciliation. "Conciliation" means the attempted resolution of issues raised by a charge, or by the investigation of such charge, through informal negotiations involving the aggrieved party, the respondent and the Department.

(G) Conciliation Agreement. "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

(H) Covered Multifamily Dwellings. As used in Section 3-102.1, "covered multifamily dwellings" means:

(1) buildings consisting of 4 or more units if such buildings have one or more elevators; and

(2) ground floor units in other buildings consisting of 4 or more units.

(I) Immigration Status. "Immigration status" means a person's actual or perceived citizenship or immigration status.

(Source: P.A. 86-820; 86-910; 86-1028.)

(775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

Sec. 3-102. Civil rights violations; real estate transactions and other prohibited acts. It is a civil rights violation for an owner or any other person ~~engaging in a real estate transaction~~, or for a real estate broker or salesman, because of unlawful discrimination, familial status, immigration status, source of income, or an arrest record, as defined under subsection (B-5) of Section 1-103, to:

(A) Transactions. ~~Transaction.~~ Refuse to engage in a real estate transaction ~~with a person~~ or otherwise make unavailable or deny real property ~~to discriminate in making available such a transaction~~;

(B) Terms. Alter the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(C) Offers. ~~Offer.~~ Refuse to receive or to fail to transmit a bona fide offer ~~to engage~~ in a real estate transaction from a person;

(D) Negotiation. Refuse to negotiate ~~for~~ a real estate transaction with a person;

(E) Representations. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to the person's ~~his or her~~ attention, or to refuse to permit the person ~~him or her~~ to inspect real property;

(F) Publication of Intent. Make, print, circulate, post, mail, publish or cause to be made, printed, circulated, posted, mailed, or published any notice, statement, advertisement or sign, or use a form of application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction, that indicates any preference, limitation, or discrimination based on unlawful discrimination or unlawful discrimination based on familial status, immigration status, source of income, or an arrest record, or an intention to make any such preference, limitation, or discrimination;

(G) Listings. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status, immigration status, source of income, or an arrest record in a real estate transaction is intended.

(Source: P.A. 101-565, eff. 1-1-20; 102-896, eff. 1-1-23.)

(775 ILCS 5/3-102.10)

Sec. 3-102.10. Third-party loan modification service provider.

(A) It is a civil rights violation for a third-party loan modification service provider, because of unlawful discrimination, familial status, immigration status, source of income, or an arrest record, to:

(1) refuse to engage in loan modification services;

(2) alter the terms, conditions, or privileges of such services; or

(3) discriminate in making such services available, including, but not limited to, by making a statement, advertisement, representation, inquiry, listing, offer, or solicitation that indicates a preference or the intention to make such a preference in making such services available.

(B) For purposes of this Section, "third-party loan modification service provider" means a person or entity, whether licensed or not, who, for or with the expectation of receiving consideration, provides assistance or services to a loan borrower to obtain a modification to a term of an existing real estate loan or to obtain foreclosure relief. "Third-party loan modification service provider" does not include lenders, brokers or appraisers of mortgage loans, or the servicers, subsidiaries, affiliates, or agents of the lender.

(Source: P.A. 102-362, eff. 1-1-22.)

(775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

Sec. 3-103. Blockbusting. It is a civil rights violation for any person to:

(A) Solicitation. Solicit for sale, lease, listing or purchase any residential real estate within this State, on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status, immigration status, source of income, or disability.

(B) Statements. Distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in this State to sell or lease the owner's ~~his or her~~ property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status, immigration status, source of income, or disability of residents in the vicinity of the property involved.

(C) Creating Alarm. Intentionally create alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of residential real estate in this state to sell or lease

the owner's ~~his or her~~ property because of any present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status, immigration status, source of income, or disability.

(Source: P.A. 102-896, eff. 1-1-23.)

(775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

Sec. 3-104.1. Refusal to sell or rent because a person has a guide, hearing or support dog. It is a civil rights violation for the owner or agent of any housing accommodation to:

(A) refuse to sell or rent after the making of a bona fide ~~bonafide~~ offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny property to any blind or hearing impaired person or person with a physical disability because the blind or hearing impaired person or person with a physical disability ~~he~~ has a guide, hearing, or support dog; or

(B) discriminate against any blind or hearing impaired person or person with a physical disability in the terms, conditions, or privileges of sale or rental property, or in the provision of services or facilities in connection therewith, because the blind or hearing impaired person or person with a physical disability ~~he~~ has a guide, hearing, or support dog; or

(C) require, because a blind or hearing impaired person or person with a physical disability has a guide, hearing, or support dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage done to the premises by the dog.

(Source: P.A. 99-143, eff. 7-27-15.)

(775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

Sec. 3-106. Exemptions. Nothing contained in Section 3-102 shall prohibit:

(A) Private Sales of Single Family Homes.

(1) Any sale of a single family home by its owner so long as the following criteria are met:

(a) The owner does not own or have a beneficial interest in more than 3 ~~three~~ single family homes at the time of the sale;

(b) The owner or a member of the owner's ~~his or her~~ family was the last current resident of the home;

(c) The home is sold without the use in any manner of the sales or rental facilities or services of any real estate broker or salesman, or of any employee or agent of any real estate broker or salesman;

(d) The home is sold without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of paragraph (F) of Section 3-102.

(2) This exemption does not apply to paragraph (F) of Section 3-102.

(B) Apartments. Rental of a housing accommodation in a building which contains housing accommodations for not more than 4 families living independently of each other, if the owner resides in one of the housing accommodations. This exemption does not apply to paragraph (F) of Section 3-102.

(C) Private Rooms. Rental of a room or rooms in a private home by an owner if the owner ~~he or she~~ or a member of the owner's ~~his or her~~ family resides therein or, while absent for a period of not more than 12 ~~twelve~~ months, if the owner ~~he or she~~ or a member of the owner's ~~his or her~~ family intends to return to reside therein. This exemption does not apply to paragraph (F) of Section 3-102.

(D) Reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(E) Religious Organizations. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(F) Sex. Restricting the rental of rooms in a housing accommodation to persons of one sex.

(G) Persons Convicted of Drug-Related Offenses. Conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. 802).

(H) Persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on unlawful discrimination or familial status or source of income in furnishing appraisals.

(H-1) The owner of an owner-occupied residential building with 4 or fewer units (including the unit in which the owner resides) from making decisions regarding whether to rent to a person based upon that person's sexual orientation.

(I) Housing for Older Persons. No provision in this Article regarding familial status shall apply with respect to housing for older persons.

(1) As used in this Section, "housing for older persons" means housing:

(a) provided under any State or Federal program that the Department determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

(b) intended for, and solely occupied by, persons 62 years of age or older; or

(c) intended and operated for occupancy by persons 55 years of age or older and:

(i) at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;

(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subdivision (c); and

(iii) the housing facility or community complies with rules adopted by the Department for verification of occupancy, which shall:

(aa) provide for verification by reliable surveys and affidavits; and

(bb) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii).

These surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(2) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(a) persons residing in such housing as of the effective date of this amendatory Act of 1989 who do not meet the age requirements of subsections (1)(b) or (c); provided, that new occupants of such housing meet the age requirements of subsections (1)(b) or (c) of this subsection; or

(b) unoccupied units; provided, that such units are reserved for occupancy by persons who meet the age requirements of subsections (1)(b) or (c) of this subsection.

(3)(a) A person shall not be held personally liable for monetary damages for a violation of this Article if the person reasonably relied, in good faith, on the application of the exemption under this subsection (I) relating to housing for older persons.

(b) For the purposes of this item (3), a person may show good faith reliance on the application of the exemption only by showing that:

(i) the person has no actual knowledge that the facility or community is not, or will not be, eligible for the exemption; and

(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for the exemption.

(J) Child Sex Offender Refusal to Rent. Refusal of a child sex offender who owns and resides at residential real estate to rent any residential unit within the same building in which the child sex offender ~~he or she~~ resides to a person who is the parent or guardian of a child or children under 18 years of age.

(K) Arrest Records. Inquiry into or the use of an arrest record if the inquiry or use is otherwise authorized by State or federal law.

(L) Financial Institutions. A financial institution as defined in Article 4 from considering source of income or immigration status in a real estate transaction in compliance with State or federal law.

(M) Immigration Status. Inquiry into or the use of immigration status if the inquiry or use is otherwise required by State or federal law.

(Source: P.A. 101-565, eff. 1-1-20; 102-896, eff. 1-1-23.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Villa, **Senate Bill No. 1826** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1826

AMENDMENT NO. 1 . Amend Senate Bill 1826 on page 20, by replacing lines 14 through 24 with the following:

"(5) A probate court with jurisdiction over the guardianship of an alleged victim for an in camera inspection ~~In cases regarding abuse, abandonment, neglect, or financial exploitation, a court or a guardian ad litem, upon its or his or her finding that access to such records may be necessary for the determination of an issue before the court. However, such access shall be limited to an in camera inspection of the records, unless the court determines that disclosure of the information contained therein is necessary for the resolution of an issue then pending before it~~;

(5.5) A ~~In cases regarding self neglect, a~~ guardian ad litem, unless such guardian ad litem is the abuser or alleged abuser;".

Senator Villa offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1826

AMENDMENT NO. 2 . Amend Senate Bill 1826, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, lines 15 and 16, by replacing ", unless such guardian ad litem is the abuser or alleged abuser" with ", unless such guardian ad litem is the abuser or alleged abuser".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Sims, **Senate Bill No. 1834** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Senate Special Committee on Criminal Law and Public Safety, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1834

AMENDMENT NO. 1 . Amend Senate Bill 1834 by replacing line 3 on page 2 through line 4 on page 3 with the following:

"(1) Those who are neglected include any minor under 18 years of age or a minor 18 years of age or older for whom the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under subsection (1) of Section 2-10 prior to the minor's 18th birthday:

(a) ~~any minor under 18 years of age or a minor 18 years of age or older for whom the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under subsection (1) of Section 2-10 prior to the minor's 18th birthday~~ who is not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter, or who is abandoned by his or her parent or parents or other person or persons responsible for the minor's welfare, except that a minor shall not be considered neglected for the sole reason that the minor's parent or parents or other person or persons responsible for the minor's welfare have left the minor in the care of an adult relative for any period of time, who the parent or parents or other person responsible for the minor's welfare know is both a mentally capable adult relative and physically capable adult relative, as defined by this Act; or

(b) ~~any minor under 18 years of age or a minor 18 years of age or older for whom the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under subsection (1) of Section 2-10 prior to the minor's 18th birthday~~ whose environment is injurious to his or her welfare; or".

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

On motion of Senator Sims, **Senate Bill No. 1844** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Senate Special Committee on Criminal Law and Public Safety, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1844

AMENDMENT NO. 1 . Amend Senate Bill 1844 on page 2, line 5, by replacing "delinquent adjudicated" with "adjudicated delinquent"; and

on page 2, lines 10 and 11, by replacing "delinquent was adjudicated" with "adjudicated delinquent"; and

on page 4, line 6, by replacing "delinquent adjudicated" with "adjudicated delinquent"; and

on page 4, line 26, by replacing "~~voluntarily~~" with "voluntarily"; and

on page 5, line 2, before the period, by inserting "or adjudication".

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

On motion of Senator Cunningham, **Senate Bill No. 1880** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Halpin, **Senate Bill No. 1924** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Simmons, **Senate Bill No. 2014** having been printed, was taken up, read by title a second time.

Senator Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2014

AMENDMENT NO. 1 . Amend Senate Bill 2014 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-625 as follows:

(20 ILCS 2705/2705-625 new)

Sec. 2705-625. Safety improvements to State roads for pedestrians and cyclists. The Department shall develop a policy which ensures the safety of pedestrians and cyclists on roadways within this State. The policy shall provide that improvements will be made during routine maintenance and within a distance of 1,000 feet of the maintenance work to any State roads within a municipality to include, but not be limited to, high visibility signage, crosswalk improvements, curb bump outs, barrier protected bike lanes, and bus shelters.

Beginning January 1, 2024, the Department shall provide a semi-annual report to the General Assembly on pedestrian and bicycle safety improvements on non-highway State routes that have been initiated, are in progress, or are recently completed. The Department shall provide the reports every June 30th and January 1st thereafter.

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.

On motion of Senator N. Harris, **Senate Bill No. 2381** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **Senate Bill No. 2424** having been printed, was taken up, read by title a second time.

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

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2424

AMENDMENT NO. 2 . Amend Senate Bill 2424 by replacing everything after the enacting clause with the following:

"Section 5. The Architectural, Engineering, and Land Surveying Qualifications Based Selection Act is amended by changing Section 15 as follows:

(30 ILCS 535/15) (from Ch. 127, par. 4151-15)

Sec. 15. Definitions. As used in this Act:

"Architectural services" means any professional service as defined in Section 5 of the Illinois Architecture Practice Act of 1989.

"Engineering services" means any professional service as defined in Section 4 of the Professional Engineering Practice Act of 1989 or Section 5 of the Structural Engineering Practice Act of 1989.

"Firm" means any individual, sole proprietorship, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, engineering, or land surveying and provide those services.

"Land surveying services" means any professional service as defined in Section 5 of the Illinois Professional Land Surveyor Act of 1989.

"Project" means any capital improvement project or any design, study, plan, survey, or new or existing program activity of a State agency, including development of new or existing programs that require architectural, engineering, or land surveying services. "Project" also includes any land acquisition that is conducted by either the Department of Transportation or Illinois Toll Highway Authority and that requires architectural, engineering, or land surveying services.

"State agency" means any department, commission, council, board, bureau, committee, institution, agency, university, government corporation, authority, or other establishment or official of this State.

(Source: P.A. 91-91, eff. 1-1-00.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Villivalam, **Senate Bill No. 2429** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Financial Institutions.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2429

AMENDMENT NO. 2 . Amend Senate Bill 2429 on page 5 by replacing lines 9 through 26 with the following:

"(e) Beginning January 1, 2024, investment managers shall disclose, prior to the award of a contract, a description of any process through which the manager prudently integrates the sustainability factors described in subsection (b) into their investment decision-making, investment analysis, portfolio construction, due diligence, and investment ownership in order to maximize anticipated risk-adjusted financial returns, identify projected risk, and execute the manager's fiduciary duties. Investment managers shall provide this disclosure to each public agency, pension fund, retirement system, or governmental unit for whom the investment manager is seeking selection as a fiduciary before acting in this official capacity.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

At the hour of 12:51 o'clock p.m., Senator Cunningham, presiding.

On motion of Senator Holmes, **Senate Bill No. 2017** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2017

AMENDMENT NO. 1 . Amend Senate Bill 2017 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 24-2 as follows:

(105 ILCS 5/24-2) (from Ch. 122, par. 24-2)

Sec. 24-2. Holidays.

(a) Teachers and educational support personnel employees shall not be required to teach or otherwise work on Saturdays, nor, except as provided in subsection (b) of this Section, shall teachers, educational support personnel employees, or other school employees, other than ~~noncertificated~~ school employees whose presence is necessary because of an emergency or for the continued operation and maintenance of school facilities or property, be required to work on legal school holidays, which are January 1, New Year's Day; the third Monday in January, the Birthday of Dr. Martin Luther King, Jr.; February 12, the Birthday of President Abraham Lincoln; the first Monday in March (to be known as Casimir Pulaski's birthday); Good Friday; the day designated as Memorial Day by federal law; June 19, Juneteenth National Freedom Day; July 4, Independence Day; the first Monday in September, Labor Day; the second Monday in October, Columbus Day; November 11, Veterans' Day; the Thursday in November commonly called Thanksgiving Day; and December 25, Christmas Day. School boards may grant special holidays whenever in their judgment such action is advisable. No deduction shall be made from the time or compensation of a school employee, including an educational support personnel employee, on account of any legal or special holiday in which that employee would have otherwise been scheduled to work but for the legal or special holiday.

(b) A school board or other entity eligible to apply for waivers and modifications under Section 2-3.25g of this Code is authorized to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on the third Monday in January (the Birthday of Dr. Martin Luther King, Jr.); February 12 (the Birthday of President Abraham Lincoln); the first Monday in March (known as Casimir Pulaski's birthday); the second Monday in October (Columbus Day); and November 11 (Veterans' Day), provided that:

(1) the person or persons honored by the holiday are recognized through instructional activities conducted on that day or, if the day is not used for student attendance, on the first school day preceding or following that day; and

(2) the entity that chooses to exercise this authority first holds a public hearing about the proposal. The entity shall provide notice preceding the public hearing to both educators and parents. The notice shall set forth the time, date, and place of the hearing, describe the proposal, and indicate that the entity will take testimony from educators and parents about the proposal.

(c) Commemorative holidays, which recognize specified patriotic, civic, cultural or historical persons, activities, or events, are regular school days. Commemorative holidays are: January 17 (the birthday of Muhammad Ali), January 28 (to be known as Christa McAuliffe Day and observed as a commemoration of

space exploration), February 15 (the birthday of Susan B. Anthony), March 29 (Viet Nam War Veterans' Day), September 11 (September 11th Day of Remembrance), the school day immediately preceding Veterans' Day (Korean War Veterans' Day), October 1 (Recycling Day), October 7 (Iraq and Afghanistan Veterans Remembrance Day), December 7 (Pearl Harbor Veterans' Day), and any day so appointed by the President or Governor. School boards may establish commemorative holidays whenever in their judgment such action is advisable. School boards shall include instruction relative to commemorated persons, activities, or events on the commemorative holiday or at any other time during the school year and at any point in the curriculum when such instruction may be deemed appropriate. The State Board of Education shall prepare and make available to school boards instructional materials relative to commemorated persons, activities, or events which may be used by school boards in conjunction with any instruction provided pursuant to this paragraph.

(d) City of Chicago School District 299 shall observe March 4 of each year as a commemorative holiday. This holiday shall be known as Mayors' Day which shall be a day to commemorate and be reminded of the past Chief Executive Officers of the City of Chicago, and in particular the late Mayor Richard J. Daley and the late Mayor Harold Washington. If March 4 falls on a Saturday or Sunday, Mayors' Day shall be observed on the following Monday.

(e) Notwithstanding any other provision of State law to the contrary, November 3, 2020 shall be a State holiday known as 2020 General Election Day and shall be observed throughout the State pursuant to this amendatory Act of the 101st General Assembly. All government offices, with the exception of election authorities, shall be closed unless authorized to be used as a location for election day services or as a polling place.

Notwithstanding any other provision of State law to the contrary, November 8, 2022 shall be a State holiday known as 2022 General Election Day and shall be observed throughout the State under Public Act 102-15.

(Source: P.A. 101-642, eff. 6-16-20; 102-14, eff. 1-1-22; 102-15, eff. 6-17-21; 102-334, eff. 8-9-21; 102-411, eff. 1-1-22; 102-813, eff. 5-13-22.)".

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

At the hour of 12:54 o'clock p.m., Senator Holmes, presiding.

On motion of Senator Lightford, **Senate Bill No. 1351** having been printed, was taken up, read by title a second time.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1351

AMENDMENT NO. 1 . Amend Senate Bill 1351 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 24A-5 and 34-84 as follows:

(105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

Sec. 24A-5. Content of evaluation plans. This Section does not apply to teachers assigned to schools identified in an agreement entered into between the board of a school district operating under Article 34 of this Code and the exclusive representative of the district's teachers in accordance with Section 34-85c of this Code.

Each school district to which this Article applies shall establish a teacher evaluation plan which ensures that each teacher in contractual continued service is evaluated at least once in the course of every 2 or 3 school years as provided in this Section.

Each school district shall establish a teacher evaluation plan that ensures that:

(1) each teacher not in contractual continued service is evaluated at least once every school year; and

(2) except as otherwise provided in this Section, each teacher in contractual continued service is evaluated at least once in the course of every 2 school years. However, any teacher in contractual continued service whose performance is rated as either "needs improvement" or "unsatisfactory" must be evaluated at least once in the school year following the receipt of such rating.

No later than September 1, 2022, each school district must establish a teacher evaluation plan that ensures that each teacher in contractual continued service whose performance is rated as either "excellent" or "proficient" is evaluated at least once in the course of the 3 school years after receipt of the rating and implement an informal teacher observation plan established by agency rule and by agreement of the joint committee established under subsection (b) of Section 24A-4 of this Code that ensures that each teacher in contractual continued service whose performance is rated as either "excellent" or "proficient" is informally observed at least once in the course of the 2 school years after receipt of the rating.

For the 2022-2023 school year only, if the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, a school district may waive the evaluation requirement of all teachers in contractual continued service whose performances were rated as either "excellent" or "proficient" during the last school year in which the teachers were evaluated under this Section.

Notwithstanding anything to the contrary in this Section or any other Section of this Code, a principal shall not be prohibited from evaluating any teachers within a school during his or her first year as principal of such school. If a first-year principal exercises this option in a school district where the evaluation plan provides for a teacher in contractual continued service to be evaluated once in the course of every 2 or 3 school years, as applicable, then a new 2-year or 3-year evaluation plan must be established.

The evaluation plan shall comply with the requirements of this Section and of any rules adopted by the State Board of Education pursuant to this Section.

The plan shall include a description of each teacher's duties and responsibilities and of the standards to which that teacher is expected to conform, and shall include at least the following components:

(a) personal observation of the teacher in the classroom by the evaluator, unless the teacher has no classroom duties.

(b) consideration of the teacher's attendance, planning, instructional methods, classroom management, where relevant, and competency in the subject matter taught.

(c) by no later than the applicable implementation date, consideration of student growth as a significant factor in the rating of the teacher's performance.

(d) prior to September 1, 2012, rating of the performance of teachers in contractual continued service as either:

(i) "excellent", "satisfactory" or "unsatisfactory"; or

(ii) "excellent", "proficient", "needs improvement" or "unsatisfactory".

(e) on and after September 1, 2012, rating of the performance of all teachers as "excellent", "proficient", "needs improvement" or "unsatisfactory".

(f) specification as to the teacher's strengths and weaknesses, with supporting reasons for the comments made.

(g) inclusion of a copy of the evaluation in the teacher's personnel file and provision of a copy to the teacher.

(h) within 30 school days after the completion of an evaluation rating a teacher in contractual continued service as "needs improvement", development by the evaluator, in consultation with the teacher, and taking into account the teacher's on-going professional responsibilities including his or her regular teaching assignments, of a professional development plan directed to the areas that need improvement and any supports that the district will provide to address the areas identified as needing improvement.

(i) within 30 school days after completion of an evaluation rating a teacher in contractual continued service as "unsatisfactory", development and commencement by the district of a remediation plan designed to correct deficiencies cited, provided the deficiencies are deemed remediable. In all school districts the remediation plan for unsatisfactory, tenured teachers shall provide for 90 school days of remediation within the classroom, unless an applicable collective bargaining agreement provides for a shorter duration. In all school districts evaluations issued pursuant to this Section shall be issued within 10 days after the conclusion of the respective remediation plan. However, the school board or other governing authority of the district shall not lose jurisdiction to discharge a teacher in the event the evaluation is not issued within 10 days after the conclusion of the respective remediation plan.

(j) participation in the remediation plan by the teacher in contractual continued service rated "unsatisfactory", an evaluator and a consulting teacher selected by the evaluator of the teacher who was rated "unsatisfactory", which consulting teacher is an educational employee as defined in the

Educational Labor Relations Act, has at least 5 years' teaching experience, and a reasonable familiarity with the assignment of the teacher being evaluated, and who received an "excellent" rating on his or her most recent evaluation. Where no teachers who meet these criteria are available within the district, the district shall request and the applicable regional office of education shall supply, to participate in the remediation process, an individual who meets these criteria.

In a district having a population of less than 500,000 with an exclusive bargaining agent, the bargaining agent may, if it so chooses, supply a roster of qualified teachers from whom the consulting teacher is to be selected. That roster shall, however, contain the names of at least 5 teachers, each of whom meets the criteria for consulting teacher with regard to the teacher being evaluated, or the names of all teachers so qualified if that number is less than 5. In the event of a dispute as to qualification, the State Board shall determine qualification.

(k) a mid-point and final evaluation by an evaluator during and at the end of the remediation period, immediately following receipt of a remediation plan provided for under subsections (i) and (j) of this Section. Each evaluation shall assess the teacher's performance during the time period since the prior evaluation; provided that the last evaluation shall also include an overall evaluation of the teacher's performance during the remediation period. A written copy of the evaluations and ratings, in which any deficiencies in performance and recommendations for correction are identified, shall be provided to and discussed with the teacher within 10 school days after the date of the evaluation, unless an applicable collective bargaining agreement provides to the contrary. These subsequent evaluations shall be conducted by an evaluator. The consulting teacher shall provide advice to the teacher rated "unsatisfactory" on how to improve teaching skills and to successfully complete the remediation plan. The consulting teacher shall participate in developing the remediation plan, but the final decision as to the evaluation shall be done solely by the evaluator, unless an applicable collective bargaining agreement provides to the contrary. Evaluations at the conclusion of the remediation process shall be separate and distinct from the required annual evaluations of teachers and shall not be subject to the guidelines and procedures relating to those annual evaluations. The evaluator may but is not required to use the forms provided for the annual evaluation of teachers in the district's evaluation plan.

(l) reinstatement to the evaluation schedule set forth in the district's evaluation plan for any teacher in contractual continued service who achieves a rating equal to or better than "satisfactory" or "proficient" in the school year following a rating of "needs improvement" or "unsatisfactory".

(m) dismissal in accordance with subsection (d) of Section 24-12 or Section 24-16.5 or 34-85 of this Code of any teacher who fails to complete any applicable remediation plan with a rating equal to or better than a "satisfactory" or "proficient" rating. Districts and teachers subject to dismissal hearings are precluded from compelling the testimony of consulting teachers at such hearings under subsection (d) of Section 24-12 or Section 24-16.5 or 34-85 of this Code, either as to the rating process or for opinions of performances by teachers under remediation.

(n) After the implementation date of an evaluation system for teachers in a district as specified in Section 24A-2.5 of this Code, if a teacher in contractual continued service successfully completes a remediation plan following a rating of "unsatisfactory" in an overall performance evaluation received after the foregoing implementation date and receives a subsequent rating of "unsatisfactory" in any of the teacher's overall performance evaluation ratings received during the 36-month period following the teacher's completion of the remediation plan, then the school district may forego remediation and seek dismissal in accordance with subsection (d) of Section 24-12 or Section 34-85 of this Code.

(o) Teachers who are due to be evaluated in the last year before they are set to retire shall be offered the opportunity to waive their evaluation and to retain their most recent rating, unless the teacher was last rated as "needs improvement" or "unsatisfactory". The school district may still reserve the right to evaluate a teacher provided the district gives notice to the teacher at least 14 days before the evaluation and a reason for evaluating the teacher.

Nothing in this Section or Section 24A-4 shall be construed as preventing immediate dismissal of a teacher for deficiencies which are deemed irremediable or for actions which are injurious to or endanger the health or person of students in the classroom or school, or preventing the dismissal or non-renewal of teachers not in contractual continued service for any reason not prohibited by applicable employment, labor, and civil rights laws. Failure to strictly comply with the time requirements contained in Section 24A-5 shall not invalidate the results of the remediation plan.

Nothing contained in this amendatory Act of the 98th General Assembly repeals, supersedes, invalidates, or nullifies final decisions in lawsuits pending on the effective date of this amendatory Act of the 98th General Assembly in Illinois courts involving the interpretation of Public Act 97-8.

If the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act that suspends in-person instruction, the timelines in this Section connected to the commencement and completion of any remediation plan are waived. Except if the parties mutually agree otherwise and the agreement is in writing, any remediation plan that had been in place for more than 45 days prior to the suspension of in-person instruction shall resume when in-person instruction resumes and any remediation plan that had been in place for fewer than 45 days prior to the suspension of in-person instruction shall be discontinued and a new remediation period shall begin when in-person instruction resumes. The requirements of this paragraph apply regardless of whether they are included in a school district's teacher evaluation plan.

(Source: P.A. 101-643, eff. 6-18-20; 102-252, eff. 1-1-22; 102-729, eff. 5-6-22.)

(105 ILCS 5/34-84) (from Ch. 122, par. 34-84)

Sec. 34-84. Appointments and promotions of teachers. Appointments and promotions of teachers shall be made for merit only, and after satisfactory service for a probationary period of 3 years with respect to probationary employees employed as full-time teachers in the public school system of the district before January 1, 1998 and 4 years with respect to probationary employees who are first employed as full-time teachers in the public school system of the district on or after January 1, 1998, during which period the board may dismiss or discharge any such probationary employee upon the recommendation, accompanied by the written reasons therefor, of the general superintendent of schools and after which period appointments of teachers shall become permanent, subject to removal for cause in the manner provided by Section 34-85.

For a probationary-appointed teacher in full-time service who is appointed on or after July 1, 2013 and who receives ratings of "excellent" during his or her first 3 school terms of full-time service, the probationary period shall be 3 school terms of full-time service. For a probationary-appointed teacher in full-time service who is appointed on or after July 1, 2013 and who had previously entered into contractual continued service in another school district in this State or a program of a special education joint agreement in this State, as defined in Section 24-11 of this Code, the probationary period shall be 2 school terms of full-time service, provided that (i) the teacher voluntarily resigned or was honorably dismissed from the prior district or program within the 3-month period preceding his or her appointment date, (ii) the teacher's last 2 ratings in the prior district or program were at least "proficient" and were issued after the prior district's or program's PERA implementation date, as defined in Section 24-11 of this Code, and (iii) the teacher receives ratings of "excellent" during his or her first 2 school terms of full-time service.

For a probationary-appointed teacher in full-time service who is appointed on or after July 1, 2013 and who has not entered into contractual continued service after 2 or 3 school terms of full-time service as provided in this Section, the probationary period shall be 4 school terms of full-time service, provided that the teacher receives a rating of at least "proficient" in the last school term and a rating of at least "proficient" in either the second or third school term.

As used in this Section, "school term" means the school term established by the board pursuant to Section 10-19 of this Code, and "full-time service" means the teacher has actually worked at least 150 days during the school term. As used in this Article, "teachers" means and includes all members of the teaching force excluding the general superintendent and principals.

There shall be no reduction in teachers because of a decrease in student membership or a change in subject requirements within the attendance center organization after the 20th day following the first day of the school year, except that: (1) this provision shall not apply to desegregation positions, special education positions, or any other positions funded by State or federal categorical funds, and (2) at attendance centers maintaining any of grades 9 through 12, there may be a second reduction in teachers on the first day of the second semester of the regular school term because of a decrease in student membership or a change in subject requirements within the attendance center organization.

Teachers who are due to be evaluated in the last year before they are set to retire shall be offered the opportunity to waive their evaluation and to retain their most recent rating, unless the teacher was last rated as "needs improvement" or "unsatisfactory". The school district may still reserve the right to evaluate a teacher provided the district gives notice to the teacher at least 14 days before the evaluation and a reason for evaluating the teacher.

The school principal shall make the decision in selecting teachers to fill new and vacant positions consistent with Section 34-8.1.
(Source: P.A. 97-8, eff. 6-13-11.)

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.

At the hour of 12:55 o'clock p.m., the Chair announced that the Senate stands at ease.

AT EASE

At the hour of 1:02 o'clock p.m., the Senate resumed consideration of business.
Senator Holmes, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its March 22, 2023 meeting, reported that the Committee recommends that **Senate Bill No. 2246** be re-referred from the Committee on Education to the Committee on Assignments.

Senator Lightford, Chair of the Committee on Assignments, during its March 22, 2023 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture: **Committee Amendment No. 2 to Senate Bill 1701; Committee Amendment No. 3 to Senate Bill 1701**.

Education: **Floor Amendment No. 2 to Senate Bill 1468**.

Environment and Conservation: **Floor Amendment No. 2 to Senate Bill 1563; Committee Amendment No. 2 to Senate Bill 1933**.

Executive: **Senate Bill No. 2246; Floor Amendment No. 1 to Senate Bill 754; Committee Amendment No. 2 to Senate Bill 2152**.

Health and Human Services: **Committee Amendment No. 1 to Senate Bill 188**.

Higher Education: **Floor Amendment No. 1 to Senate Bill 1453**.

Insurance: **Floor Amendment No. 1 to Senate Bill 757; Floor Amendment No. 2 to Senate Bill 1568**.

Licensed Activities: **Committee Amendment No. 2 to Senate Bill 2214**.

Revenue: **Committee Amendment No. 1 to Senate Bill 1627; Floor Amendment No. 1 to Senate Bill 1880**.

State Government: **Floor Amendment No. 1 to Senate Bill 686; Floor Amendment No. 2 to Senate Bill 2292**.

Senate Special Committee on Criminal Law and Public Safety: **Floor Amendment No. 3 to Senate Bill 2197**.

At the hour of 1:04 o'clock p.m., Senator Cunningham, presiding.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Holmes moved that **Senate Resolution No. 124**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Holmes moved that Senate Resolution No. 124 be adopted.

The motion prevailed.

And the resolution was adopted.

At the hour of 1:07 o'clock p.m., Senator Holmes, presiding.

LEGISLATIVE MEASURES FILED

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

Amendment No. 2 to Senate Bill 94
Amendment No. 1 to Senate Bill 199
Amendment No. 1 to Senate Bill 303
Amendment No. 1 to Senate Bill 734
Amendment No. 1 to Senate Bill 935
Amendment No. 1 to Senate Bill 1098
Amendment No. 1 to Senate Bill 1127
Amendment No. 1 to Senate Bill 1235
Amendment No. 2 to Senate Bill 1251
Amendment No. 1 to Senate Bill 1470
Amendment No. 3 to Senate Bill 1488
Amendment No. 2 to Senate Bill 1713
Amendment No. 2 to Senate Bill 1714
Amendment No. 1 to Senate Bill 1716
Amendment No. 2 to Senate Bill 1717
Amendment No. 1 to Senate Bill 1794
Amendment No. 2 to Senate Bill 1977
Amendment No. 1 to Senate Bill 2135
Amendment No. 2 to Senate Bill 2146
Amendment No. 1 to Senate Bill 2322
Amendment No. 1 to Senate Bill 2395

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

Amendment No. 2 to Senate Bill 214
Amendment No. 1 to Senate Bill 1909
Amendment No. 1 to Senate Bill 2049

At the hour of 1:07 o'clock p.m., the Chair announced that the Senate stands adjourned until Thursday, March 23, 2023, at 12:00 o'clock p.m.