



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**ONE HUNDRED THIRD GENERAL  
ASSEMBLY**

**48TH LEGISLATIVE DAY**

**WEDNESDAY, MAY 10, 2023**

**11:21 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**48th Legislative Day**

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The Senate met pursuant to adjournment.  
Senator Mattie Hunter, Chicago, Illinois, presiding.  
Prayer by Reverend Jeremy Wood, Salem United Church of Christ, Alhambra, Illinois.  
Senator Johnson led the Senate in the Pledge of Allegiance.

Senator Glowiak Hilton moved that reading and approval of the Journal of Tuesday, May 9, 2023, be postponed, pending arrival of the printed Journal.  
The motion prevailed.

### **REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

IDOC IIP Annual Report FY2022, submitted by the Department of Corrections.

GOMB Operating Report FY23 Q1, submitted by the Governor's Office of Management and Government.

IDOA Illinois Council on Aging Annual Report FY22, submitted by the Department on Aging.

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

### **LEGISLATIVE MEASURES FILED**

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

Amendment No. 3 to House Bill 1131

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

Amendment No. 2 to Senate Bill 851

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

Amendment No. 2 to House Bill 1342  
Amendment No. 3 to House Bill 1497  
Amendment No. 4 to House Bill 1497  
Amendment No. 1 to House Bill 2502  
Amendment No. 1 to House Bill 3086

### **PRESENTATION OF CELEBRATION OF LIFE RESOLUTIONS**

#### **SENATE RESOLUTION NO. 271**

Offered by Senator Stadelman and all Senators:  
Mourns the death of Alderperson Theophelo "Tuffy" Quinonez of the Rockford City Council.

#### **SENATE RESOLUTION NO. 272**

Offered by Senator McClure and all Senators:  
Mourns the death of Michael Kent Yates of Washington.

**SENATE RESOLUTION NO. 273**

Offered by Senator McClure and all Senators:  
Mourns the death of Howard John Hammer of Altamont.

**SENATE RESOLUTION NO. 274**

Offered by Senator McClure and all Senators:  
Mourns the death of Stacey Ann (Winch) Gooden of Springfield.

**SENATE RESOLUTION NO. 275**

Offered by Senator McClure and all Senators:  
Mourns the death of Robert "Andy" Alvey of Springfield.

**SENATE RESOLUTION NO. 276**

Offered by Senator Morrison and all Senators:  
Mourns the death of Mary Frances "Mary Fran" (Plunkett) Madden.

**SENATE RESOLUTION NO. 277**

Offered by Senator Aquino and all Senators:  
Mourns the passing of Ivan Claudio Gonzalez of Chicago. Remembers his life on the anniversary of his birth, May 10.

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

**PRESENTATION OF RESOLUTION**

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

**SENATE JOINT RESOLUTION NO. 36**

WHEREAS, It is highly fitting that we remember those who contributed to the betterment of the State of Illinois; and

WHEREAS, Captain Joseph Laur was born in Indian Village, St. Francois, Lower Canada on March 14, 1814, one of 6 children of Charles and Luch Laur; and

WHEREAS, Captain Joseph Laur emigrated from Canada to Lincoln, Massachusetts in 1833; six years later, after working in Massachusetts, he began flat-boating on the Ohio and Mississippi rivers, hauling merchandise from Pittsburgh, Pennsylvania to New Orleans, Louisiana, where he would sell the merchandise, dismantle the boat, sell the lumber, and return on foot by way of the Natchez Trace, which was being traversed by a constant stream of boatman during that era; and

WHEREAS, Captain Joseph Laur established a permanent home in Knob Prairie in Jefferson County in 1841; and

WHEREAS, Captain Joseph Laur mustered into the Union Army on October 19, 1861 as a First Lieutenant in Company K, Illinois Volunteer Infantry Regiment, commanded by Col. W.R. Morrison; and

WHEREAS, Captain Joseph Laur was promoted to Captain on June 10, 1862 and thus earned the nickname "Cap"; he fought at the battles of Fort Donelson, Shiloh, Corinth, the Red River expedition, and the siege of Vicksburg; he was injured in combat and discharged in September of 1865; and

WHEREAS, Captain Joseph Laur was awarded the contract on Star Route 11799 and served each post office from Ashley to Moore's Prairie; and

[May 10, 2023]

WHEREAS, Captain Joseph Laur died on June 8, 1895; during his time, Williamsburg became Old Town and was superseded by Waltonville; and

WHEREAS, Captain Joseph Laur's service to the United States and the State of Illinois has greatly benefited the surrounding communities; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the Big Muddy Bridge east of Waltonville on IL Route 148 as the "Captain Joseph Laur Memorial Bridge"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the Secretary of the Department of Transportation, the Mayor of Waltonville, and the family of Captain Joseph Laur.

### REPORTS FROM STANDING COMMITTEES

Senator Villa, Chair of the Committee on Public Health, to which was referred **Senate Resolutions Numbered 136 and 212**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions Numbered 136 and 212** were placed on the Secretary's Desk.

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 House Bill 2039

Under the rules, the foregoing floor amendment is eligible for consideration on 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. 3 to Senate Bill 90

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

Senator Johnson, Chair of the Committee on Education, to which was referred **House Bills Numbered 2392, 3428 and 3600**, 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 amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to House Bill 2396

Senate Amendment No. 1 to House Bill 3500

Senate Amendment No. 2 to House Bill 3524

Senate Amendment No. 2 to House Bill 3570

Senate Amendment No. 1 to House Bill 3690

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

Senator Martwick, Chair of the Committee on Judiciary, to which was referred **House Bills Numbered 2098 and 2269**, reported the same back with the recommendation that the bills 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. 1 to House Bill 3314  
Senate Amendment No. 2 to House Bill 3456

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

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

Senate Amendment No. 2 to House Bill 2189  
Senate Amendment No. 1 to House Bill 2443

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 **House Bill No. 1133**, reported the same back with the recommendation that the bill do pass.

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

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. 1 to House Bill 1378  
Senate Amendment No. 1 to House Bill 1767  
Senate Amendment No. 1 to House Bill 3648

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

Senator Sims, Chair of the Special Committee on Criminal Law and Public Safety, to which was referred **Senate Resolution No. 172**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 172** was placed on the Secretary's Desk.

Senator Sims, Chair of the Special Committee on Criminal Law and Public Safety, to which was referred **House Bill No. 1399**, reported the same back with the recommendation that the bill do pass.

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

Senator Sims, Chair of the Special Committee on Criminal Law and Public Safety, to which was referred **House Bills Numbered 3345 and 3779**, 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.

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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. 3 to House Bill 3249

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

Senator Fine, Chair of the Committee on Behavioral and Mental Health, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 1364

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

### **LEGISLATIVE MEASURE FILED**

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

Amendment No. 4 to House Bill 2396

### **MESSAGES FROM THE HOUSE**

A message from the House by

Mr. Hollman, Clerk:

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

#### **HOUSE JOINT RESOLUTION NO. 35**

WHEREAS, Subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act (5 ILCS 430/25-10) requires the Legislative Ethics Commission to diligently search for qualified candidates for the Legislative Inspector General position and to make recommendations to the General Assembly, which shall appoint a Legislative Inspector General by joint resolution; and

WHEREAS, Subsection (b) of Section 25-10 further states that the Legislative Inspector General shall be selected solely on the basis of integrity and demonstrated ability and sets forth the necessary educational and employment criteria; and

WHEREAS, The Honorable Michael P. McCuskey was appointed to serve as Legislative Inspector General on February 23, 2022 to complete a 5-year term that expires on June 30, 2023 and has communicated to the Legislative Ethics Commission his willingness to be reappointed to serve as Legislative Inspector General for a 5-year term that begins on July 1, 2023 and ends on June 30, 2028; and

WHEREAS, At its last meeting, the Legislative Ethics Commission unanimously voted to recommend that the General Assembly retain Judge McCuskey as Legislative Inspector General; and

WHEREAS, Judge McCuskey is an individual of high integrity and demonstrated ability who, as a former public defender and judge, has led an exemplary career of public service that more than qualifies him to continue serving as the Legislative Inspector General; and

WHEREAS, A native of Peoria, Judge McCuskey was admitted to the Illinois bar in 1975 and has dedicated his professional life to work that has demonstrated his commitment to integrity, professionalism, and ethics; and

[May 10, 2023]

WHEREAS, After serving for over a decade as the chief public defender in Marshall County, Judge McCuskey was elected in 1988 as an Illinois circuit court judge for the Tenth Judicial Circuit; and

WHEREAS, Judge McCuskey was elected to the Illinois Appellate Court for the Third Judicial District in 1990, where he served until 1998; and

WHEREAS, Judge McCuskey was nominated for the United States District Court for the Central District of Illinois by President Bill Clinton and confirmed by a Republican-controlled United States Senate in 1998, serving as Chief Judge of the District from 2004 to 2012; and

WHEREAS, Upon retirement from the federal bench in 2014, Judge McCuskey was appointed by the Illinois Supreme Court to serve again as a State circuit court judge for the Tenth Judicial District, a post to which he was subsequently elected by voters in 2016; and

WHEREAS, Judge McCuskey retired from the court in 2020; and

WHEREAS, Judge McCuskey served on the Illinois Supreme Court's Commission on Professionalism for nearly 15 years, first as a commissioner and then as an advisor until he retired; and

WHEREAS, Judge McCuskey currently serves on the Board of Directors of the Illinois Judges Association and formerly served as Chairman of the Illinois State University Board of Trustees; and

WHEREAS, Judge McCuskey's extensive experience, appointments, and professional activities overwhelmingly qualify him for the position of Legislative Inspector General, an office that necessitates both keen intellect and insight into the personal and professional motivations of persons acting in the public realm; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we reappoint the Honorable Michael P. McCuskey as Legislative Inspector General in accordance with subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act, endorsing him wholeheartedly as surpassing all statutory requirements and ensuring that his sterling character and dedication to government service will enhance the Office of Legislative Inspector General and benefit the administration of the ethical foundation on which Illinois legislators and legislative employees operate; and be it further

RESOLVED, That, in accordance with subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act, the reappointment of Legislative Inspector General McCuskey takes effect upon the adoption of this joint resolution by the affirmative vote of three-fifths of the members elected to each house of the General Assembly, the certification of this joint resolution by the Speaker of the House of Representatives and the President of the Senate, and the filing of this joint resolution with the Secretary of State; and be it further

RESOLVED, That, in accordance with subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act, Legislative Inspector General McCuskey's next term as Legislative Inspector General shall commence upon July 1, 2023 and continue through June 30, 2028; and be it further

RESOLVED, That copies of this resolution be delivered to Legislative Inspector General McCuskey and the Legislative Ethics Commission.

Adopted by the House, May 9, 2023.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 35 was referred to the Committee on Assignments.

[May 10, 2023]

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1665

A bill for AN ACT concerning public aid.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1665

Passed the House, as amended, May 9, 2023.

JOHN W. HOLLMAN, Clerk of the House

**AMENDMENT NO. 2 TO SENATE BILL 1665**

AMENDMENT NO. 2 . Amend Senate Bill 1665 on page 15, by replacing lines 6 and 7 with the following:

"Section 99. Effective date. This Act takes effect January 1, 2024."

Under the rules, the foregoing **Senate Bill No. 1665**, with House Amendment No. 2, was referred to the Secretary's Desk.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1721

A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1721

Passed the House, as amended, May 9, 2023.

JOHN W. HOLLMAN, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 1721**

AMENDMENT NO. 1 . Amend Senate Bill 1721 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 13-703 as follows:

(220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

(Section scheduled to be repealed on December 31, 2026)

Sec. 13-703. (a) The Commission shall design and implement a program whereby each telecommunications carrier providing local exchange service shall provide a telecommunications device capable of servicing the needs of those persons with a hearing or speech disability together with a single party line, at no charge additional to the basic exchange rate, to any subscriber who is certified as having a hearing or speech disability by a hearing instrument ~~care~~ professional, as defined in the Hearing Instrument Consumer Protection Act, a speech-language pathologist, or a qualified State agency and to any subscriber which is an organization serving the needs of those persons with a hearing or speech disability as determined and specified by the Commission pursuant to subsection (d).

(b) The Commission shall design and implement a program, whereby each telecommunications carrier providing local exchange service shall provide a telecommunications relay system, using third party intervention to connect those persons having a hearing or speech disability with persons of normal hearing by way of intercommunications devices and the telephone system, making available reasonable access to all phases of public telephone service to persons who have a hearing or speech disability. In order to design a telecommunications relay system which will meet the requirements of those persons with a hearing or speech disability available at a reasonable cost, the Commission shall initiate an investigation and conduct public hearings to determine the most cost-effective method of providing telecommunications relay service to those persons who have a hearing or speech disability when using telecommunications devices and

therein solicit the advice, counsel, and physical assistance of Statewide nonprofit consumer organizations that serve persons with hearing or speech disabilities in such hearings and during the development and implementation of the system. The Commission shall phase in this program, on a geographical basis, as soon as is practicable, but no later than June 30, 1990.

(c) The Commission shall establish a competitively neutral rate recovery mechanism that establishes charges in an amount to be determined by the Commission for each line of a subscriber to allow telecommunications carriers providing local exchange service to recover costs as they are incurred under this Section. Beginning no later than April 1, 2016, and on a yearly basis thereafter, the Commission shall initiate a proceeding to establish the competitively neutral amount to be charged or assessed to subscribers of telecommunications carriers and wireless carriers, Interconnected VoIP service providers, and consumers of prepaid wireless telecommunications service in a manner consistent with this subsection (c) and subsection (f) of this Section. The Commission shall issue its order establishing the competitively neutral amount to be charged or assessed to subscribers of telecommunications carriers and wireless carriers, Interconnected VoIP service providers, and purchasers of prepaid wireless telecommunications service on or prior to June 1 of each year, and such amount shall take effect June 1 of each year.

Telecommunications carriers, wireless carriers, Interconnected VoIP service providers, and sellers of prepaid wireless telecommunications service shall have 60 days from the date the Commission files its order to implement the new rate established by the order.

(d) The Commission shall determine and specify those organizations serving the needs of those persons having a hearing or speech disability that shall receive a telecommunications device and in which offices the equipment shall be installed in the case of an organization having more than one office. For the purposes of this Section, "organizations serving the needs of those persons with hearing or speech disabilities" means centers for independent living as described in Section 12a of the Rehabilitation of Persons with Disabilities Act and not-for-profit organizations whose primary purpose is serving the needs of those persons with hearing or speech disabilities. The Commission shall direct the telecommunications carriers subject to its jurisdiction and this Section to comply with its determinations and specifications in this regard.

(e) As used in this Section:

"Prepaid wireless telecommunications service" has the meaning given to that term under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

"Retail transaction" has the meaning given to that term under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

"Seller" has the meaning given to that term under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

"Telecommunications carrier providing local exchange service" includes, without otherwise limiting the meaning of the term, telecommunications carriers which are purely mutual concerns, having no rates or charges for services, but paying the operating expenses by assessment upon the members of such a company and no other person.

"Wireless carrier" has the meaning given to that term under Section 2 of the Emergency Telephone System Act.

(f) Interconnected VoIP service providers, sellers of prepaid wireless telecommunications service, and wireless carriers in Illinois shall collect and remit assessments determined in accordance with this Section in a competitively neutral manner in the same manner as a telecommunications carrier providing local exchange service. However, the assessment imposed on consumers of prepaid wireless telecommunications service shall be collected by the seller from the consumer and imposed per retail transaction as a percentage of that retail transaction on all retail transactions occurring in this State. The assessment on subscribers of wireless carriers and consumers of prepaid wireless telecommunications service shall not be imposed or collected prior to June 1, 2016.

Sellers of prepaid wireless telecommunications service shall remit the assessments to the Department of Revenue on the same form and in the same manner which they remit the fee collected under the Prepaid Wireless 9-1-1 Surcharge Act. For the purposes of display on the consumers' receipts, the rates of the fee collected under the Prepaid Wireless 9-1-1 Surcharge Act and the assessment under this Section may be combined. In administration and enforcement of this Section, the provisions of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge Act (except subsections (a), (a-5), (b-5), (c), and (e-5) of Section 15 and subsections (c) and (e) of Section 20 of the Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015 (the effective date of Public Act 99-6), the seller shall be permitted to deduct and retain 3% of the

assessments that are collected by the seller from consumers and that are remitted and timely filed with the Department) that are not inconsistent with this Section, shall apply, as far as practicable, to the subject matter of this Section to the same extent as if those provisions were included in this Section. Beginning on January 1, 2018, the seller is allowed to deduct and retain 3% of the assessments that are collected by the seller from consumers and that are remitted timely and timely filed with the Department, but only if the return is filed electronically as provided in Section 3 of the Retailers' Occupation Tax Act. Sellers who demonstrate that they do not have access to the Internet or demonstrate hardship in filing electronically may petition the Department to waive the electronic filing requirement. The Department shall deposit all assessments and penalties collected under this Section into the Illinois Telecommunications Access Corporation Fund, a special fund created in the State treasury. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the amount available to the Commission for distribution out of the Illinois Telecommunications Access Corporation Fund. The amount certified shall be the amount (not including credit memoranda) collected during the second preceding calendar month by the Department, plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body or fund. The amount paid to the Illinois Telecommunications Access Corporation Fund shall not include any amount equal to the amount of refunds made during the second preceding calendar month by the Department to retailers under this Section or any amount that the Department determines is necessary to offset any amounts which were payable to a different taxing body or fund but were erroneously paid to the Illinois Telecommunications Access Corporation Fund. The Commission shall distribute all the funds to the Illinois Telecommunications Access Corporation and the funds may only be used in accordance with the provisions of this Section. The Department shall deduct 2% of all amounts deposited in the Illinois Telecommunications Access Corporation Fund during every year of remitted assessments. Of the 2% deducted by the Department, one-half shall be transferred into the Tax Compliance and Administration Fund to reimburse the Department for its direct costs of administering the collection and remittance of the assessment. The remaining one-half shall be transferred into the Public Utility Fund to reimburse the Commission for its costs of distributing to the Illinois Telecommunications Access Corporation the amount certified by the Department for distribution. The amount to be charged or assessed under subsections (c) and (f) is not imposed on a provider or the consumer for wireless Lifeline service where the consumer does not pay the provider for the service. Where the consumer purchases from the provider optional minutes, texts, or other services in addition to the federally funded Lifeline benefit, a consumer must pay the charge or assessment, and it must be collected by the seller according to this subsection (f).

Interconnected VoIP services shall not be considered an intrastate telecommunications service for the purposes of this Section in a manner inconsistent with federal law or Federal Communications Commission regulation.

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

(h) The Commission may adopt rules necessary to implement this Section.

(Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16; 99-847, eff. 8-19-16; 99-933, eff. 1-27-17; 100-20, eff. 7-1-17; 100-201, eff. 8-18-17; 100-303, eff. 8-24-17; 100-863, eff. 8-14-18.)

Section 10. The Hearing Instrument Consumer Protection Act is amended by changing Sections 1, 3, 4, 5, 6, 7, 8, 9, 9.5, 14, 16, 17, 18, 19, and 20 and by adding Sections 4.5, 4.6, and 12 as follows:

(225 ILCS 50/1) (from Ch. 111, par. 7401)

(Section scheduled to be repealed on January 1, 2026)

Sec. 1. Purpose. The purpose of this Act is to protect the deaf or hard of hearing public from the practice of dispensing hearing aids ~~instruments~~ that could endanger the health, safety and welfare of the People of this State. The Federal Food and Drug Administration and Federal Trade Commission has recommended that State legislation is necessary in order to establish standards of competency and to impose stringent penalties for those who violate the public trust in this field of health care.

(Source: P.A. 98-827, eff. 1-1-15.)

(225 ILCS 50/3) (from Ch. 111, par. 7403)

(Section scheduled to be repealed on January 1, 2026)

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

"Department" means the Department of Public Health.

"Director" means the Director of the Department of Public Health.

"Direct supervision" means the final approval given by the licensed hearing instrument professional to all work performed by the person under supervision and that the licensed hearing instrument professional is physically present in the facility any time the person under supervision has contact with a client. "Direct supervision" does not mean that the licensed hearing instrument professional is in the same room when the person under supervision has contact with the client.

"Federal Trade Commission" means the United States federal agency which regulates business practices and commerce.

"Food and Drug Administration" means the United States federal agency which regulates hearing instruments or hearing aids as medical devices.

"License" means a license issued by the State under this Act to a hearing instrument dispenser.

"Licensed audiologist" means a person licensed as an audiologist under the Illinois Speech-Language Pathology and Audiology Practice Act and who can prescribe hearing aids in accordance with this Act.

"National Board Certified Hearing Instrument Specialist" means a person who has had at least 2 years in practice as a licensed hearing instrument dispenser and has been certified after qualification by examination by the National Board for Certification in Hearing Instruments Sciences.

"Licensed physician" or "physician" means a physician licensed in Illinois to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987.

"Trainee" means a person who is licensed to perform the functions of a hearing instrument dispenser or audiologist in accordance with the Department rules and only under the direct supervision of a hearing instrument dispenser or audiologist who is licensed in the State.

"Board" means the Hearing Instrument Consumer Protection Board.

"Hearing instrument" or "hearing aid" means any instrument or device, including an instrument or device dispensed pursuant to a prescription, that is designed, intended, or offered for the purpose of improving a person's hearing and any parts, attachments, or accessories, including earmolds. "Hearing instrument" or "hearing aid" does not include batteries, cords, and individual or group auditory training devices and any instrument or device used by a public utility in providing telephone or other communication services wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing and that can provide more than 15 dB full on gain via a 2cc coupler at any single frequency from 200 through 6000 cycles per second, and any parts, attachments, or accessories, including ear molds. "Hearing instrument" or "hearing aid" do not include batteries, cords, or group auditory training devices and any instrument or device used by a public utility in providing telephone or other communication services are excluded.

"Involvement of a licensed person" refers to the supervisor, prescription or other order involvement or interaction by a licensed hearing instrument professional.

"Practice of prescribing, fitting, dispensing, or servicing of prescription hearing aids instruments" means the measurement of human hearing with an audiometer, calibrated to the current American National Standard Institute standards, for the purpose of prescribing hearing aids and making selections, recommendations, adaptations, services, or sales of hearing aids instruments including the making of earmolds as a part of the hearing aid instrument.

"Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers.

"Hearing instrument dispenser" means a person who is a hearing instrument care professional that engages in the selling, practice of fitting, selecting, recommending, dispensing, prescribing, or servicing of prescription hearing aids instruments or the testing for means of hearing aid instrument selection or who advertises or displays a sign or represents himself or herself as a person who practices the testing, fitting, selecting, servicing, dispensing, prescribing, or selling of prescription hearing aids instruments.

"Fund" means the Hearing Instrument Dispenser Examining and Disciplinary Fund.

"Hearing instrument care professional" means a person who is a licensed audiologist, a licensed hearing instrument dispenser, or a licensed physician.

"Over-the-counter hearing aid" means any instrument or device that:

(1) uses the same fundamental scientific technology as air conduction hearing aids, as defined in 21 CFR 874.3300, or wireless air conduction hearing aids, as defined in 21 CFR 874.3305;

(2) is intended to be used by adults age 18 and older to compensate for perceived mild to moderate hearing impairment;

(3) through tools, tests, or software, allows the user to control the over-the-counter hearing aid and customize it to the user's hearing needs;

(4) may use wireless technology or include tests for self-assessment of hearing loss; and

(5) is available over-the-counter, without the supervision, prescription, or other order, involvement, or intervention of a licensed person, to consumers through in-person transactions, by mail, or online.

"Over-the-counter hearing aid" does not include batteries, cords, and individual or group auditory training devices or any instrument or device used by a public utility in providing telephone or other communication services.

"Personal sound amplification product" means an amplification device, as defined by the Food and Drug Administration or the Federal Trade Commission, that is not labeled as a hearing aid and is not intended to treat hearing loss.

"Prescribe" means an order for a prescription hearing aid issued by a licensed hearing instrument professional.

"Prescription hearing aid" means any wearable instrument or device designed, intended, or offered for the purpose of improving a person's hearing that may only be obtained with the involvement of a licensed hearing instrument professional.

(Source: P.A. 98-362, eff. 8-16-13; 98-827, eff. 1-1-15.)

(225 ILCS 50/4) (from Ch. 111, par. 7404)

(Section scheduled to be repealed on January 1, 2026)

Sec. 4. Disclosure; ~~waiver~~; complaints; insurance. The hearing instrument ~~professional dispenser~~ shall give at no charge to every person fitted and sold a hearing aid ~~instrument~~ the "User Instructional Brochure", supplied by the hearing aid ~~instrument~~ manufacturer containing information required by the U.S. Food and Drug Administration.

All hearing instruments or hearing aids must be dispensed or sold in accordance with Food and Drug Administration and Federal Trade Commission regulations governing the dispensing and sale of personal sound amplification products or hearing aids.

A consumer who purchases an over-the-counter hearing aid must be provided a sales receipt at the time of the transaction.

Whenever a sale ~~or service~~ of one or more ~~prescription hearing aids instrument~~ involving \$50 or more is made or contracted to be made, whether under a single contract or under multiple contracts, at the time of the transaction, the hearing instrument ~~professional dispenser~~ shall furnish the consumer with a fully completed receipt or contract pertaining to that transaction, in substantially the same language as that used in the oral presentation to the consumer. The receipt or contract provided to the consumer shall contain (i) the hearing instrument professional's ~~dispenser's~~ name, license number, business address, business phone number, and signature; (ii) the name, address, and signature of the hearing instrument consumer; (iii) ~~and~~ the name and signature of the purchaser if the consumer and the purchaser are not the same person; (iv) the hearing aid ~~instrument~~ manufacturer's name, and the model and serial numbers; (v) the date of purchase; and (vi) the charges required to complete the terms of the sale, which must be fully and clearly stated. When the hearing aid ~~instrument~~ is delivered to the consumer or purchaser, the serial number shall be written on the original receipt or contract and a copy shall be given to the consumer or purchaser. If a used hearing instrument is sold, the receipt and the container thereof shall be clearly marked as "used" or "reconditioned", whichever is applicable, with terms of guarantee, if any.

~~All hearing instruments offered for sale must be accompanied by a 30 business day return privilege. The receipt or contract provided to the consumer shall state that the consumer has a right to return the hearing instrument for a refund within 30 business days of the date of delivery. If a nonrefundable dispensing fee or restocking fee, or both, will be withheld from the consumer in event of return, the terms must be clearly stated on the receipt or contract provided to the consumer.~~

~~A hearing instrument dispenser shall not sell a hearing instrument unless the prospective user has presented to the hearing instrument dispenser a written statement, signed by a licensed physician, which states that the patient's hearing loss has been medically evaluated and the patient is considered a candidate for a hearing instrument. The medical evaluation must have taken place within the 6 months immediately preceding the date of the sale of the hearing instrument to the prospective hearing instrument user. If the prospective hearing instrument user is 18 years of age or older, the hearing instrument dispenser may afford the prospective user an opportunity to waive the medical evaluation required by this Section, provided that the hearing instrument dispenser:~~

~~(i) Informs the prospective user that the exercise of a waiver is not in the user's best health interest;~~

(ii) ~~Does not in any way actively encourage the prospective user to waive the medical evaluation; and~~

(iii) ~~Affords the prospective user the option to sign the following statement:~~

~~"I have been advised by .....(hearing instrument dispenser's name) that the Food and Drug Administration has determined that my best interest would be served if I had a medical evaluation by a licensed physician (preferably a physician who specializes in diseases of the ear) before purchasing a hearing instrument. I do not wish a medical evaluation before purchasing a hearing instrument."~~

The hearing instrument professional dispenser or the professional's ~~his or her~~ employer shall retain proof of the medical examination ~~or the waiver~~ for at least 3 years from the date of the sale.

If the parent or guardian of any individual ~~under the age 17 or under of 18 years~~ is a member of any church or religious denomination, whose tenets and practices include reliance upon spiritual means through prayer alone and objects to medical treatment and so states in writing to the hearing instrument professional dispenser, such individual shall undergo a hearing examination as provided by this Section but ~~no proof~~, ruling out any medically treatable problem causing hearing loss, shall be required.

All persons licensed under this Act shall have conspicuously displayed in their business establishment a sign indicating that formal complaints regarding hearing aid ~~instrument~~ goods or services may be made to the Department. Such sign shall give the address and telephone number of the Department. All persons purchasing hearing aids ~~instruments~~ shall be provided with a written statement indicating that formal complaints regarding hearing aid ~~instrument~~ goods or services may be made to the Department and disclosing the address and telephone number of the Department.

Any person wishing to make a complaint, against a hearing instrument professional dispenser under this Act, shall file it with the Department within 3 years from the date of the action upon which the complaint is based. The Department shall investigate all such complaints.

All persons licensed under this Act shall maintain liability insurance as set forth by rule and shall be responsible for the annual calibration of all audiometers in use by such persons. Such annual calibrations shall be in conformance with the current standards set by American National Standard Institute.

(Source: P.A. 91-932, eff. 1-1-01.)

(225 ILCS 50/4.5 new)

Sec. 4.5. Hearing aids dispensed by prescription to persons age 17 or younger.

(a) A hearing instrument professional may dispense a hearing aid to a person age 17 or younger in accordance with the requirements of this Section.

(b) A hearing instrument professional shall not sell a prescription hearing aid to anyone age 17 or younger unless the prospective user has presented to the hearing instrument professional a written statement, signed by a licensed physician, that states that the patient's hearing loss has been medically evaluated and the patient is considered a candidate for a hearing aid. The medical evaluation must have been performed within the 6 months immediately preceding the date of the sale of the hearing aid to the prospective hearing aid user.

(c) A person age 17 or younger must be medically evaluated in person by a physician before receiving a prescription for a hearing aid. The evaluation must have been performed within the 6 months immediately preceding the date that the hearing aid is dispensed.

(d) Following a medical evaluation by a licensed physician, a licensed audiologist or a licensed physician other than the evaluating physician may prescribe a prescription hearing aid for an individual age 17 or younger. A person age 17 or younger may not waive the medical evaluation or receipt of a prescription from a licensed audiologist or a licensed physician unless the person is replacing a lost or stolen hearing aid that is subject to warranty replacement.

(e) A hearing aid prescription for individuals age 17 or younger issued by a licensed audiologist or a licensed physician other than the evaluating physician must include, at a minimum, the following information:

(1) name of the patient;

(2) documentation of medical evaluation by a physician;

(3) date the prescription is issued;

(4) expiration date of the prescription, which may not exceed 6 months from the date of issuance;

(5) name and license number of the prescribing licensed audiologist or licensed physician;



(6) results of the following assessments: (i) age-appropriate pure-tone air conduction audiometry or results of auditory evoked potential testing, including, but not limited to, auditory brainstem response or otoacoustic emissions testing; (ii) bone conduction testing, as age appropriate; and (iii) recorded or live voice speech in quiet, as age appropriate;

(7) documentation of type and style of hearing aid; and

(8) documentation of medical necessity of the recommended features of a hearing aid.

(225 ILCS 50/4.6 new)

Sec. 4.6. Prescription hearing aids for persons age 18 or older.

(a) A hearing instrument professional may dispense a hearing aid to a person age 18 or older in accordance with the requirements of this Section.

(b) A person age 18 or older must be evaluated by a hearing instrument professional in person or via telehealth before receiving a prescription for a hearing aid. A person age 18 or older may not waive evaluation by a hearing instrument professional unless he or she is replacing a lost or stolen hearing aid that is subject to warranty replacement.

(c) A hearing instrument professional shall not sell prescription hearing aid to anyone age 18 or older if the prospective user had a negative finding on the Consumer Ear Disease Risk Assessment or a similar standardized assessment. The prospective user who had a negative finding on the Consumer Ear Disease Risk Assessment or similar standardized assessment shall present to the hearing instrument professional a written statement, signed by a licensed physician, which states that the patient's hearing loss has been medically evaluated and the patient is considered a candidate for a prescription hearing aid. The medical evaluation must have been performed within the 12 months immediately preceding the date of the sale of the hearing aid to the prospective hearing aid user.

(d) A hearing aid prescription for individuals age 18 or older must include, at a minimum, the following information:

(1) name of the patient;

(2) date the prescription is issued;

(3) expiration date of the prescription, which may not exceed one year from the date of issuance;

(4) name and license number of the prescribing hearing instrument professional;

(5) results of the following assessments:

(A) hearing handicap inventory or similar standardized, evidence-based tool;

(B) pure-tone air conduction audiometry;

(C) bone conduction testing or consumer ear disease risk assessment or a similar standardized evidence-based tool;

(D) recorded speech in quiet, as medically appropriate;

(E) recorded speech or digits in noise, as medical appropriate;

(6) documentation of type and style of hearing aid; and

(7) documentation of medical necessity of the recommended features of a hearing aid.

(225 ILCS 50/5) (from Ch. 111, par. 7405)

(Section scheduled to be repealed on January 1, 2026)

Sec. 5. License required. No person shall engage in the selling, practice of testing, fitting, selecting, recommending, adapting, dispensing, or servicing hearing aids ~~instruments~~ or display a sign, advertise, or represent oneself as a person who practices the fitting or selling of hearing aids ~~instruments~~ unless such person holds a current license issued by the Department as provided in this Act. Such person shall be known as a licensed hearing instrument dispenser. Individuals licensed pursuant to the provisions of Section 8 of this Act shall be deemed qualified to provide tests of human hearing and hearing aid ~~instrument~~ evaluations for the purpose of dispensing a hearing aid ~~instrument~~ for which any State agency may contract. The license shall be conspicuously displayed in the place of business. Duplicate licenses shall be issued by the Department to licensees operating more than one office upon the additional payment set forth in this Act. No hearing aids ~~instrument~~ manufacturer may distribute, sell, or otherwise provide hearing aids ~~instruments~~ to any unlicensed hearing ~~instrument~~ ~~care~~ professional for the purpose of selling hearing aids ~~instruments~~ to the consumer.

Except for violations of the provisions of this Act, or the rules promulgated under it, nothing in this Act shall prohibit a corporation, partnership, trust, association, or other entity from engaging in the business of testing, fitting, servicing, selecting, dispensing, selling, or offering for sale hearing aid ~~instruments~~ at retail without a license, provided it employs only licensed individuals in the direct testing, fitting, servicing,

selecting, offering for sale, or dispensing of such products. Each such corporation, partnership, trust, association, or other entity shall file with the Department, prior to doing business in this State and by July 1 of each calendar year thereafter, on forms prescribed by the Department, a list of all licensed hearing instrument dispensers employed by it and a statement attesting that it complies with this Act and the rules promulgated under it and the regulations of the Federal Food and Drug Administration and the Federal Trade Commission insofar as they are applicable.

(Source: P.A. 99-204, eff. 7-30-15.)

(225 ILCS 50/6) (from Ch. 111, par. 7406)

(Section scheduled to be repealed on January 1, 2026)

Sec. 6. Mail order and Internet sales. Nothing in this Act shall prohibit a corporation, partnership, trust, association, or other organization, maintaining an established business address, from engaging in the business of selling or offering for sale hearing aids instruments at retail by mail or by Internet to persons 18 years of age or older who have not been examined by a licensed physician or tested by a licensed hearing instrument professional dispenser provided that:

(a) The organization is registered by the Department prior to engaging in business in this State and has paid the fee set forth in this Act.

(b) The organization files with the Department, prior to registration and annually thereafter, a Disclosure Statement containing the following:

(1) the name under which the organization is doing or intends to do business and the name of any affiliated company which the organization recommends or will recommend to persons as a supplier of goods or services or in connection with other business transactions of the organization;

(2) the organization's principal business address and the name and address of its agent in this State authorized to receive service of process;

(3) the business form of the organization, whether corporate, partnership, or otherwise and the state or other sovereign power under which the organization is organized;

(4) the names of the directors or persons performing similar functions and names and addresses of the chief executive officer, and the financial, accounting, sales, and other principal executive officers, if the organization is a corporation, association, or other similar entity; of all general partners, if the organization is a partnership; and of the owner, if the organization is a sole proprietorship, together with a statement of the business background during the past 5 years for each such person;

(5) a statement as to whether the organization or any person identified in the disclosure statement:

(i) has during the 5-year ~~5-year~~ period immediately preceding the date of the disclosure statement been convicted of a felony, pleaded nolo contendere to a felony charge, or been held liable in a civil action by final judgment, if such felony or civil action involved fraud, embezzlement, or misappropriation of property, and a description thereof; or

(ii) is subject to any currently effective injunctive or restrictive order as a result of a proceeding or pending action brought by any government agency or department, and a description thereof; or

(iii) is a defendant in any pending criminal or material civil action relating to fraud, embezzlement, misappropriation of property or violations of the antitrust or trade regulation laws of the United States or any state, and a description thereof; or

(iv) has during the 5-year ~~5-year~~ period immediately preceding the date of the disclosure statement had entered against such person or organization a final judgment in any material civil proceeding, and a description thereof; or

(v) has during the 5-year ~~5-year~~ period immediately preceding the date of the disclosure statement been adjudicated a bankrupt or reorganized due to insolvency or was a principal executive officer or general partner of any company that has been adjudicated a bankrupt or reorganized due to insolvency during such 5-year ~~5-year~~ period, and a description thereof;

(6) the length of time the organization and any predecessor of the organization has conducted a business dealing with hearing aid instrument goods or services;

(7) a financial statement of the organization as of the close of the most recent fiscal year of the organization. If the financial statement is filed later than 120 days following the close of the fiscal year of the organization it must be accompanied by a statement of the organization of any material changes in the financial condition of the organization;

(8) a general description of the business, including without limitation a description of the goods, training programs, supervision, advertising, promotion and other services provided by the organization;

(9) a statement of any compensation or other benefit given or promised to a public figure arising, in whole or in part, from (i) the use of the public figure in the name or symbol of the organization or (ii) the endorsement or recommendation of the organization by the public figure in advertisements;

(10) a statement setting forth such additional information and such comments and explanations relative to the information contained in the disclosure statement as the organization may desire to present.

(b-5) If a device being sold does not meet the definition of an over-the-counter hearing aid or a prescription hearing aid, instrument or hearing device as stated in this Act, the organization shall include a disclaimer in all written or electronic promotions. The disclaimer shall include the following language:

"This is not a hearing instrument or hearing aid as defined in the Hearing Instrument Consumer Protection Act, but a personal sound amplification product amplifier and not intended to replace a properly fitted and calibrated hearing aid or treat hearing loss instrument."

(c) The organization files with the Department prior to registration and annually thereafter a statement that it complies with the Act, the rules issued pursuant to it, and the regulations of the Federal Food and Drug Administration and the Federal Trade Commission insofar as they are applicable.

(d) The organization files with the Department at the time of registration an irrevocable consent to service of process authorizing the Department and any of its successors to be served any notice, process, or pleading in any action or proceeding against the organization arising out of or in connection with any violation of this Act. Such service shall have the effect of conferring personal jurisdiction over such organization in any court of competent jurisdiction.

(e) Before dispensing a hearing aid by mail or over the Internet instrument to a resident of this State, the organization informs (i) the parent or guardian of a person age 17 or younger that he or she must obtain a prescription issued by a licensed audiologist or licensed physician that meets the requirements of Section 4.5 or (ii) a person age 18 or older that he or she must obtain a prescription issued by a hearing instrument professional that meets the requirements of Section 4.6. ~~the prospective users that they need the following for proper fitting of a hearing instrument:~~

(1) ~~the results of an audiogram performed within the past 6 months by a licensed audiologist or a licensed hearing instrument dispenser; and~~

(2) ~~an earmold impression obtained from the prospective user and taken by a licensed hearing instrument dispenser or licensed audiologist.~~

(f) (Blank). ~~The prospective user receives a medical evaluation or the organization affords the prospective user an opportunity to waive the medical evaluation requirement of Section 4 of this Act and the testing requirement of subsection (z) of Section 18, provided that the organization:~~

(1) ~~informs the prospective user that the exercise of the waiver is not in the user's best health interest;~~

(2) ~~does not in any way actively encourage the prospective user to waive the medical evaluation or test; and~~

(3) ~~affords the prospective user the option to sign the following statement:~~

"I have been advised by ..... (hearing instrument dispenser's name) that the Food and Drug Administration and the State of Illinois have determined that my best interest would be served if I had a medical evaluation by a licensed physician, preferably a physician who specialized in diseases of the ear, before purchasing a hearing instrument; or a test by a licensed audiologist or licensed hearing instrument dispenser utilizing established procedures and instrumentation in the fitting of hearing instruments. I do not wish either a medical evaluation or test before purchasing a hearing instrument."

(g) Where a sale, lease, or rental of prescription hearing aids ~~is sold or contracted to be sold to a consumer by mail order or via the Internet, the consumer may void the contract or sale by notifying the seller within 45 business days following that day on which the hearing aids instruments were mailed by the seller to the consumer and by returning to the seller in its original condition any hearing aids instrument delivered to the consumer under the contract or sale. At the time the hearing aid instrument is mailed, the seller shall furnish the consumer with a fully completed receipt or copy of any contract pertaining to the sale that contains a "Notice of Cancellation" informing the consumer that he or she may~~

cancel the sale at any time within 45 business days and disclosing the date of the mailing and the name, address, and telephone number of the seller. In immediate proximity to the space reserved in the contract for the signature of the consumer, or on the front page of the receipt if a contract is not used, and in bold face type of a minimum size of 10 points, there shall be a statement in substantially the following form:

"You, the buyer, may cancel this transaction at any time prior to midnight of the 45th business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right."

Attached to the receipt or contract shall be a completed form in duplicate, captioned "NOTICE OF CANCELLATION" which shall be easily detachable and which shall contain in at least 10 point bold face type the following information and statements in the same language as that used in the contract:

"NOTICE OF CANCELLATION

enter date of transaction

.....  
(DATE)

YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN 45 BUSINESS DAYS FROM THE ABOVE DATE.

IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE LESS ANY NONREFUNDABLE RESTOCKING FEE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE AND ALL MERCHANDISE PERTAINING TO THIS TRANSACTION, AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELLED.

IF YOU CANCEL, YOU MUST RETURN TO THE SELLER, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM, TO (name of seller), AT (address of seller's place of business) AND (seller's telephone number) NO LATER THAN MIDNIGHT OF .....(date).

I HEREBY CANCEL THIS TRANSACTION.

(Date).....

.....  
(Buyers Signature)"

The written "Notice of Cancellation" may be sent by the consumer to the seller to cancel the contract. The 45-day period does not commence until the consumer is furnished the Notice of Cancellation and the address and phone number at which such notice to the seller can be given.

If the conditions of this Section are met, the seller must return to the consumer the amount of any payment made or consideration given under the contract or for the merchandise less a nonrefundable restocking fee.

It is an unlawful practice for a seller to: (1) hold a consumer responsible for any liability or obligation under any mail order transaction if the consumer claims not to have received the merchandise unless the merchandise was sent by certified mail or other delivery method by which the seller is provided with proof of delivery; (2) fail, before furnishing copies of the "Notice of Cancellation" to the consumer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the seller's telephone number, the date of the mailing, and the date, not earlier than the 45th business day following the date of the mailing, by which the consumer may give notice of cancellation; (3) include in any contract or receipt any confession of judgment or any waiver of any of the rights to which the consumer is entitled under this Section including specifically his right to cancel the sale in accordance with the provisions of this Section; (4) misrepresent in any manner the consumer's right to cancel; (5) use any undue influence, coercion, or any other wilful act or representation to interfere with the consumer's exercise of his rights under this Section; (6) fail or refuse to honor any valid notice of cancellation and return of merchandise by a consumer and, within 10 business days after the receipt of such notice and merchandise pertaining to such transaction, to (i) refund payments made under the contract or sale, (ii) return any goods or property traded in, in substantially as good condition as when received by the person, (iii) cancel and return any negotiable instrument executed by the consumer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction; (7) negotiate, transfer,

sell, or assign any note or other evidence of indebtedness to a finance company or other third party prior to the 50th business day following the day of the mailing; or (8) fail to provide the consumer of a hearing aid instrument with written information stating the name, address, and telephone number of the Department and informing the consumer that complaints regarding hearing aid instrument goods or services may be made to the Department.

(h) The organization employs only licensed hearing instrument professionals dispensers in the dispensing of hearing aids instruments and files with the Department, by January 1 of each year, a list of all licensed hearing instrument professionals dispensers employed by it.  
(Source: P.A. 98-362, eff. 8-16-13; 98-827, eff. 1-1-15.)

(225 ILCS 50/7) (from Ch. 111, par. 7407)

(Section scheduled to be repealed on January 1, 2026)

Sec. 7. Exemptions.

(a) The following are exempt from this Act:

(1) Licensed physicians. This exemption, however, does not apply to a physician's employee or subcontractor who is not a physician.

(2) Persons who only repair or manufacture hearing instruments and their accessories for wholesale.

(b) Audiometers used by persons exempt from this Act to dispense hearing instruments must meet the annual calibration requirements and current standards set by the American National Standards Institute.

(c) Audiologists licensed under the Illinois Speech-Language Pathology and Audiology Practice Act are exempt from licensure under this Act, but are otherwise subject to the practices and provisions of this Act.

(d) Hearing aid technicians are exempt from licensure under this Act but are otherwise subject to the practices and provisions of this Act.

(Source: P.A. 91-932, eff. 1-1-01.)

(225 ILCS 50/8) (from Ch. 111, par. 7408)

(Section scheduled to be repealed on January 1, 2026)

Sec. 8. Applicant qualifications; examination.

(a) In order to protect persons who are deaf or hard of hearing, the Department shall authorize or shall conduct an appropriate examination, which may be the International Hearing Society's licensure examination, for persons who dispense, test, select, recommend, fit, or service hearing aids instruments. The frequency of holding these examinations shall be determined by the Department by rule. Those who successfully pass such an examination shall be issued a license as a hearing instrument dispenser, which shall be effective for a 2-year period.

(b) Applicants shall be:

(1) at least 18 years of age;

(2) of good moral character;

(3) the holder of an associate's degree or the equivalent;

(4) free of contagious or infectious disease; and

(5) a citizen or person lawfully present in the United States.

Felony convictions of the applicant and findings against the applicant involving matters set forth in Sections 17 and 18 shall be considered in determining moral character, but such a conviction or finding shall not make an applicant ineligible to register for examination.

(c) Prior to engaging in the practice of prescribing, fitting, dispensing, or servicing hearing aids instruments, an applicant shall demonstrate, by means of written and practical examinations, that such person is qualified to practice the testing, selecting, recommending, fitting, selling, or servicing of hearing aids instruments as defined in this Act. An applicant must obtain a license within 12 months after passing either the written or practical examination, whichever is passed first, or must take and pass those examinations again in order to be eligible to receive a license.

The Department shall, by rule, determine the conditions under which an individual is examined.

(d) Proof of having met the minimum requirements of continuing education as determined by the Board shall be required of all license renewals. Pursuant to rule, the continuing education requirements may, upon petition to the Board, be waived in whole or in part if the hearing instrument dispenser can demonstrate that he or she served in the Coast Guard or Armed Forces, had an extreme hardship, or obtained his or her license by examination or endorsement within the preceding renewal period.

(e) Persons applying for an initial license must demonstrate having earned, at a minimum, an associate degree or its equivalent from an accredited institution of higher education that is recognized by the U.S. Department of Education or that meets the U.S. Department of Education equivalency as determined through a National Association of Credential Evaluation Services (NACES) member, and meet the other requirements of this Section. In addition, the applicant must demonstrate the successful completion of (1) 12 semester hours or 18 quarter hours of academic undergraduate course work in an accredited institution consisting of 3 semester hours of anatomy and physiology of the hearing mechanism, 3 semester hours of hearing science, 3 semester hours of introduction to audiology, and 3 semester hours of aural rehabilitation, or the quarter hour equivalent or (2) an equivalent program as determined by the Department that is consistent with the scope of practice of a hearing instrument dispenser as defined in Section 3 of this Act. Persons licensed before January 1, 2003 who have a valid license on that date may have their license renewed without meeting the requirements of this subsection.

(Source: P.A. 102-1030, eff. 5-27-22.)

(225 ILCS 50/9) (from Ch. 111, par. 7409)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9. Areas of examination. The examination required by Section 8 shall be set forth by rule and demonstrate the applicant's technical qualifications by:

(a) Tests of knowledge in the following areas as they pertain to the testing, selecting, recommending, fitting, and selling of hearing aids instruments:

- (1) characteristics of sound;
- (2) the nature of the ear; and
- (3) the function and maintenance of hearing aids instruments.

(b) Practical tests of proficiency in techniques as they pertain to the fitting of hearing aids instruments shall be prescribed by the Department, set forth by rule, and include candidate qualifications in the following areas:

- (1) pure tone audiometry including air conduction testing and bone conduction testing;
- (2) live voice or recorded voice speech audiometry, including speech reception, threshold testing and speech discrimination testing;
- (3) masking;
- (4) proper selection and adaptation of a hearing instrument;
- (5) taking earmold impressions;
- (6) proper maintenance procedures; and
- (7) a general knowledge of the medical and physical contra-indications to the use and fitting of a hearing aids instrument.

(c) Knowledge of the general medical and hearing rehabilitation facilities in the area being served.

(d) Knowledge of the provisions of this Act and the rules promulgated hereunder.

(Source: P.A. 96-683, eff. 1-1-10.)

(225 ILCS 50/9.5)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9.5. Trainees.

(a) In order to receive a trainee license, a person must apply to the Department and provide acceptable evidence of his or her completion of the required courses pursuant to subsection (e) of Section 8 of this Act, or its equivalent as determined by the Department. A trainee license expires 12 months from the date of issue and is non-renewable.

(b) A trainee shall perform the functions of a hearing instrument dispenser in accordance with the Department rules and only under the direct supervision of a hearing instrument dispenser or audiologist who is licensed in the State. ~~For the purposes of this Section, "direct supervision" means that the licensed hearing instrument dispenser or audiologist shall give final approval to all work performed by the trainee and shall be physically present anytime the trainee has contact with the client.~~ The licensed hearing instrument dispenser or audiologist is responsible for all of the work that is performed by the trainee.

(c) The Department may limit the number of trainees that may be under the direct supervision of the same licensed hearing instrument dispenser or licensed audiologist.

(d) The Department may establish a trainee licensing fee by rule.

(e) A trainee may be supervised by more than one licensed hearing instrument professional. The trainee must complete a hearing instrument consumer protection program license verification form for each supervising licensed hearing instrument professional.

(Source: P.A. 98-827, eff. 1-1-15.)

(225 ILCS 50/12 new)

Sec. 12. Hearing aid technicians.

(a) Hearing aid technicians may be employed by a hearing instrument professional to assist in the dispensing and servicing of hearing instruments without a license. A hearing aid technician must work under the direct supervision of a licensed hearing instrument professional.

(b) The duties of a hearing aid technician are limited to the following:

(1) packaging and mailing earmold orders, repaired devices, and manufacturer or lab returns;

(2) maintaining an inventory of supplies;

(3) performing checks on hearing aids and other amplification devices and equipment;

(4) troubleshooting and performing minor repairs to hearing aids, earmolds, and other amplification devices which do not alter the shape, sound characteristics, or performance of the device;

(5) cleaning of hearing aids and other amplification devices;

(6) performing electroacoustic analysis of hearing aids and other amplification devices;

(7) instructing patients in proper use and care of hearing aids and other amplification devices;

(8) demonstration of alerting and assistive listening devices;

(9) performing infection control duties within the clinic or service; and

(10) contacting hearing instrument manufacturers and suppliers regarding status of orders and repairs.

(c) The licensed hearing instrument professional is responsible for all services performed by the hearing aid technician under the professional's direct supervision.

(225 ILCS 50/14) (from Ch. 111, par. 7414)

(Section scheduled to be repealed on January 1, 2026)

Sec. 14. Powers and duties of the Department. The powers and duties of the Department are:

(a) To issue licenses and to administer examinations to applicants, which must be offered at least on a quarterly basis;

(b) To license persons who are qualified to engage in the testing, recommending, fitting, selling, and dispensing of hearing instruments;

(c) To provide the equipment and facilities necessary for the examination;

(d) To issue and to renew licenses;

(e) To suspend or revoke licenses or to take such other disciplinary action as provided in this Act;

(f) To consider all recommendations and requests of the Board and to inform it of all actions of the Department insofar as hearing instrument dispensers are concerned, including any instances where the actions of the Department are contrary to the recommendations of the Board;

(g) To promulgate rules necessary to implement this Act;

(h) (Blank); and

(i) To conduct such consumer education programs and awareness programs for persons with a hearing impairment as may be recommended by the Board.

(Source: P.A. 91-932, eff. 1-1-01.)

(225 ILCS 50/16) (from Ch. 111, par. 7416)

(Section scheduled to be repealed on January 1, 2026)

Sec. 16. Hearing Instrument Consumer Protection Board. There shall be established a Hearing Instrument Consumer Protection Board which shall assist, advise and make recommendations to the Department.

The Board shall consist of 7 ~~6~~ members who shall be residents of Illinois. One shall be a licensed physician who specializes in otology or otolaryngology; one shall be a member of a consumer-oriented organization concerned with the deaf or hard of hearing; one shall be from the general public, preferably a senior citizen; 2 shall be licensed hearing instrument dispensers who are National Board Certified Hearing Instrument Specialists; and 2 ~~one~~ shall be a licensed audiologist. If a vote of the Board results in a tie, the Director shall cast the deciding vote.

Members of the Board shall be appointed by the Director after consultation with appropriate professional organizations and consumer groups. As soon as practical after the effective date of this

amendatory Act of the 103rd General Assembly, the Director shall appoint the members of the Board. The term of office of each shall be 4 years. Before a member's term expires, the Director shall appoint a successor to assume member's duties at the expiration of his or her predecessor's term. A vacancy shall be filled by appointment for the unexpired term. The members shall annually designate one member as chairman. No member of the Board who has served 2 successive, full terms may be reappointed. The Director may remove members for good cause.

Members of the Board shall receive reimbursement for actual and necessary travel and for other expenses, not to exceed the limit established by the Department.  
(Source: P.A. 98-827, eff. 1-1-15.)

(225 ILCS 50/17) (from Ch. 111, par. 7417)

(Section scheduled to be repealed on January 1, 2026)

Sec. 17. Duties of the Board. The Board shall advise the Department in all matters relating to this Act and shall assist as requested by the Director.

The Board shall respond to issues and problems relating to the improvement of services to the deaf or hard of hearing and shall make such recommendations as it considers advisable. It shall file an annual report with the Director and shall meet at least twice a year. The Board may meet at any time at the call of the chair.

The Board shall recommend specialized education programs for persons wishing to become licensed as hearing instrument dispensers and shall, by rule, establish minimum standards of continuing education required for license renewal. No more than 5 hours of continuing education credit per year, however, can be obtained through programs sponsored by hearing instrument manufacturers. Continuing education credit ~~A minimum of 2 hours of continuing education credit~~ per licensing period must include a minimum of (i) 2 hours be obtained in Illinois law and ethics, (ii) one hour in sexual harassment prevention training, and (iii) one hour in implicit bias awareness. Continuing education offered by a college, university, or bar association, the International Hearing Society, the American Academy of Audiology, the American Speech-Language-Hearing Association, the Illinois Speech-Language-Hearing Association, the Illinois Academy of Audiology, or the Illinois Hearing Society regarding Illinois law and ethics shall be accepted toward satisfaction of the Illinois law and ethics continuing education requirement.

The Board shall hear charges brought by any person against hearing instrument dispensers and shall recommend disciplinary action to the Director.

Members of the Board are immune from liability in any action based upon a licensing proceeding or other act performed in good faith as a member of the Board.

(Source: P.A. 98-827, eff. 1-1-15; 99-204, eff. 7-30-15.)

(225 ILCS 50/18) (from Ch. 111, par. 7418)

(Section scheduled to be repealed on January 1, 2026)

Sec. 18. Discipline by the Department. The Department may refuse to issue or renew a license or it may revoke, suspend, place on probation, censure, fine, or reprimand a licensee for any of the following:

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

(b) Violations of this Act, or the rules promulgated hereunder.

(c) Conviction of any crime under the laws of the United States or any state or territory thereof which is a felony or misdemeanor, an essential element of dishonesty, or of any crime which is directly related to the practice of the profession.

(d) Making any misrepresentation for the purpose of obtaining a license or renewing a license, including falsification of the continuing education requirement.

(e) Professional incompetence.

(f) Malpractice.

(g) Aiding or assisting another person in violating any provision of this Act or the rules promulgated hereunder.

(h) Failing, within 30 days, to provide in writing information in response to a written request made by the Department.

(i) Engaging in dishonorable, unethical, or unprofessional conduct which is likely to deceive, defraud, or harm the public.

(j) Knowingly employing, directly or indirectly, any suspended or unlicensed person to perform any services covered by this Act.

(k) Habitual intoxication or addiction to the use of drugs.



(l) Discipline by another state, the District of Columbia, territory, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

(m) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any service not actually rendered. Nothing in this paragraph (m) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (m) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(n) A finding by the Board that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(o) Willfully making or filing false records or reports.

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

(q) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgement, skill or safety.

(r) Solicitation of services or products by advertising that is false or misleading. An advertisement is false or misleading if it:

(1) contains an intentional misrepresentation of fact;

(2) contains a false statement as to the licensee's professional achievements, education, skills, or qualifications in the hearing instrument dispensing profession;

(3) makes a partial disclosure of a relevant fact, including:

(i) the advertisement of a discounted price of an item without identifying in the advertisement or at the location of the item either the specific product being offered at the discounted price or the usual price of the item; and

(ii) the advertisement of the price of a specifically identified hearing instrument if more than one hearing instrument appears in the same advertisement without an accompanying price;

(4) contains a representation that a product innovation is new when, in fact, the product was first offered by the manufacturer to the general public in this State not less than 12 months before the date of the advertisement;

(5) contains any other representation, statement, or claim that is inherently misleading or deceptive; or

(6) contains information that the licensee manufactures hearing instruments at the licensee's office location unless the following statement includes a statement disclosing that the instruments are manufactured by a specified manufacturer and assembled by the licensee.

(s) Participating in subterfuge or misrepresentation in the fitting or servicing of a hearing instrument.

(t) (Blank).

(u) Representing that the service of a licensed physician or other health professional will be used or made available in the fitting, adjustment, maintenance, or repair of hearing instruments or hearing aids when that is not true, or using the words "doctor", "audiologist", "clinic", "Clinical Audiologist", "Certified Hearing Aid Audiologist", "State Licensed", "State Certified", "Hearing Instrument Care Professional", "Licensed Hearing Instrument Dispenser", "Licensed Hearing Aid Dispenser", "Board Certified Hearing Instrument Specialist", "Hearing Instrument Specialist", "Licensed Audiologist", or any other term, abbreviation, or symbol which would give the impression that service is being provided by persons who are licensed or awarded a degree or title, or that an entity utilizes the services of an individual who is licensed or has been awarded a degree or title, or that the person's service who is holding the license has been recommended by a governmental agency or health provider, when such is not the case.

(v) Advertising a manufacturer's product or using a manufacturer's name or trademark implying a relationship which does not exist.

(w) Directly or indirectly giving or offering anything of value to any person who advises another in a professional capacity, as an inducement to influence the purchase of a product sold or

offered for sale by a hearing instrument dispenser or influencing persons to refrain from dealing in the products of competitors.

(x) Conducting business while suffering from a contagious disease.

(y) Engaging in the fitting or sale of hearing instruments under a name with fraudulent intent.

(z) Dispensing a hearing instrument to a person who has not been given tests utilizing appropriate established procedures and instrumentation in the fitting of prescription hearing aids instruments, ~~except where there is the replacement of a hearing instrument, of the same make and model within one year of the dispensing of the original hearing instrument.~~

(aa) Unavailability or unwillingness to adequately provide for service or repair of hearing instruments or hearing aids fitted and sold by the dispenser.

(bb) Violating the regulations of the Federal Food and Drug Administration or the Federal Trade Commission as they affect hearing aids or instruments.

(cc) Violating any provision of the Consumer Fraud and Deceptive Business Practices Act.

(dd) Violating the Health Care Worker Self-Referral Act.

(ee) Failing to adequately supervise a hearing aid technician or allowing a hearing aid technician to practice beyond the hearing aid technician's training or the duties set forth in Section 12.

(ff) Filing a false claim with a third-party payer.

The Department, with the approval of the Board, may impose a fine not to exceed \$1,000 plus costs for the first violation and not to exceed \$5,000 plus costs for each subsequent violation of this Act, and the rules promulgated hereunder, on any person or entity described in this Act. Such fine may be imposed as an alternative to any other disciplinary measure, except for probation. The imposition by the Department of a fine for any violation does not bar the violation from being alleged in subsequent disciplinary proceedings. Such fines shall be deposited in the Fund.

(Source: P.A. 100-201, eff. 8-18-17.)

(225 ILCS 50/19) (from Ch. 111, par. 7419)

(Section scheduled to be repealed on January 1, 2026)

Sec. 19. Injunctions; civil penalties.

(a) The practice of prescribing, fitting, dispensing, and servicing hearing instruments or hearing aids by any person not at that time in possession of a valid and current license under this Act is hereby declared to be a Class A misdemeanor. The Director of the Department, through the Attorney General or the State's Attorney of any county, may maintain an action in the name of the people of the State of Illinois and may apply for an injunction in the circuit court to enjoin such person from engaging in such practice. Any person may apply for an injunction in the circuit court to enjoin a person from engaging without a license in practices for which a license is required under this Act. Upon the filing of a verified petition in such court, the court, if satisfied by affidavit or otherwise, that such person has been engaged in such practice without a current license to do so, may enter a temporary restraining order without notice or bond, enjoining the defendant from such further practice. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as other civil cases. If it is established that the defendant has been, or is engaged in any unlawful practice, the court may enter an order or judgment perpetually enjoining the defendant from further such practice. In all proceedings hereunder, the court, in its discretion, may apportion the costs among the parties interested in the action, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorneys fees. In case of violation of any injunctive order entered pursuant to this Section, the court may try and punish the offender for contempt of court. Such injunctive proceedings shall be in addition to all penalties and other remedies in this Act. Any such costs that may accrue to the Department shall be placed in the Fund.

(b) A person who engages in the selling of hearing instruments or hearing aids or the practice of prescribing, fitting, dispensing, or servicing hearing instruments or hearing aids or displays a sign, advertises, or represents himself or herself as a person who practices the fitting and selling of hearing instruments or hearing aids without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

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

(Source: P.A. 89-72, eff. 12-31-95.)

(225 ILCS 50/20) (from Ch. 111, par. 7420)

(Section scheduled to be repealed on January 1, 2026)

Sec. 20. Inactive status. A hearing instrument dispenser who notifies the Department, on the prescribed forms, may place his or her license on inactive status and shall be exempt from payment of renewal fees until he or she notifies the Department in writing, of the intention to resume the practice of testing, fitting, dispensing, selecting, recommending, and servicing hearing aids instruments and pays the current renewal fee and demonstrates compliance with any continuing education that may be required. However, if such period of inactive status is more than 2 years, the hearing instrument dispenser shall also provide the Department with sworn evidence certifying to active practice in another jurisdiction that is satisfactory to the Department. If such person has not practiced in any jurisdiction for 2 years or more, he or she shall be required to restore his or her license by retaking and passing the examinations required in Section 8. Any hearing instrument dispenser whose license is on inactive status shall not practice in Illinois. (Source: P.A. 89-72, eff. 12-31-95.)

Section 99. Effective date. This Act takes effect January 1, 2024."

Under the rules, the foregoing **Senate Bill No. 1721**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1748

A bill for AN ACT concerning civil law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1748

Passed the House, as amended, May 9, 2023.

JOHN W. HOLLMAN, Clerk of the House

**AMENDMENT NO. 2 TO SENATE BILL 1748**

AMENDMENT NO. 2. Amend Senate Bill 1748 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 2-1003 and 2-1007.1 as follows:

(735 ILCS 5/2-1003) (from Ch. 110, par. 2-1003)

Sec. 2-1003. Discovery and depositions.

(a) Discovery, such as admissions of fact and of genuineness of documents, physical and mental examinations of parties and other persons, the taking of any depositions, and interrogatories, shall be in accordance with rules.

(b) (Blank).

(c) (Blank).

(d) Whenever the defendant in any litigation in this State has the right to demand a physical or mental examination of the plaintiff pursuant to statute or Supreme Court Rule, relative to the occurrence and extent of injuries or damages for which claim is made, or in connection with the plaintiff's capacity to exercise any right plaintiff has, or would have but for a finding based upon such examination, the plaintiff has the right to have his or her attorney, or such other person as the plaintiff may wish, present at such physical or mental examination. The plaintiff also has the right to designate an additional person to be present and video record the examination. The changes to this Section by this amendatory Act of the 103rd General Assembly apply to actions commenced or pending on or after the effective date of this amendatory Act of the 103rd General Assembly.

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(e) No person or organization shall be required to furnish claims, loss or risk management information held or provided by an insurer, which information is described in Section 143.10a of the "Illinois Insurance Code".

(Source: P.A. 99-110, eff. 1-1-16.)

(735 ILCS 5/2-1007.1) (from Ch. 110, par. 2-1007.1)

Sec. 2-1007.1. Preference in setting for trial.

(a) A party who is an individual or, in the case of a wrongful death action, is the surviving spouse or next of kin and who has reached the age of ~~67~~ 70 years shall, upon motion by that party or the administrator of the estate of the deceased person or special administrator, be entitled to preference in setting for trial, which shall commence within one year of the hearing on the motion, unless the court finds that the party does not have a substantial interest in the case as a whole. The trial setting shall apply only to the moving party and to those defendants who have appeared and answered the complaint at the time notice of the motion for preference in setting for trial is served. If any new party is added to a lawsuit after the setting of a trial under this Section, any party may move the court to amend the trial setting to allow for trial to commence up to one year after the date a new defendant appeared and answered the complaint or up to one year after the date a plaintiff was added to the lawsuit.

(b) The court shall ~~may, in its discretion~~ grant a motion for preference in setting for trial where a party or, in the case of a wrongful death action, the surviving spouse or next of kin shows substantial physical or financial hardship or alternatively shows good cause that the interests of justice will be served by granting a preference in setting for trial within one year of the hearing on the motion.

(c) Any party may move for a trial continuance of up to 6 months for good cause shown. Any subsequent motions for trial continuance under this Section shall be granted only to the extent necessary for trial to commence as soon as practicable.

(d) The changes to this Section by this amendatory Act of the 103rd General Assembly apply to actions commenced or pending on or after the effective date of this amendatory Act of the 103rd General Assembly.

(Source: P.A. 86-854.)

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

Under the rules, the foregoing **Senate Bill No. 1748**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1787

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1787

Passed the House, as amended, May 9, 2023.

JOHN W. HOLLMAN, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 1787**

AMENDMENT NO. 1 . Amend Senate Bill 1787 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. Rural Education Advisory Council.

(a) The Rural Education Advisory Council is created as a statewide advisory council to exchange thoughtful dialogue concerning the needs, challenges, and opportunities of rural schools districts and to provide policy recommendations to the State. The Council shall perform all of the following functions:

(1) Convey and impart the perspective of rural communities and provide context during policy discussions on various statewide issues with the State Superintendent of Education.

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(2) Present to the State Superintendent of Education the opportunity to speak directly with representatives of rural communities on various policy and legal issues, to present feedback on critical issues facing rural communities, to generate ideas, and to communicate information to the State Superintendent.

(3) Provide feedback about this State's pre-kindergarten through grade 12 practices and policies so that the application of policies in rural areas may be more fully understood.

(b) The Council shall consist of all of the following members:

(1) The State Superintendent of Education or his or her designee.

(2) One representative of an association representing rural and small schools, appointed by the State Superintendent of Education.

(3) Five superintendents of rural school districts who represent 3 super-regions of this State and who are recommended by an association representing rural and small schools, appointed by the State Superintendent of Education.

(4) One principal from a rural school district recommended by a statewide organization representing school principals, appointed by the State Superintendent of Education.

(5) One representative from a rural school district recommended by a statewide organization representing school boards, appointed by the State Superintendent of Education.

(6) One representative of a statewide organization representing district superintendents, appointed by the State Superintendent of Education.

(7) One representative of a statewide organization representing regional superintendents of schools, appointed by the State Superintendent of Education.

(8) One student who is at least 15 years old, who is a member of the State Board of Education's Student Advisory Council, and who is from a rural school district, appointed by the State Superintendent of Education.

Council members must reflect, as much as possible, the racial and ethnic diversity of this State.

Council members shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses from funds appropriated to the State Board of Education for that purpose, subject to the rules of the appropriate travel control board.

(c) The Council shall meet initially at the call of the State Superintendent of Education, shall select one member as chairperson at its initial meeting, and shall thereafter meet at the call of the chairperson.

(d) The State Board of Education shall provide administrative and other support to the Council as needed.

(e) The Council is dissolved and this Section is repealed on December 31, 2031."

Under the rules, the foregoing **Senate Bill No. 1787**, with House Amendment No. 1, was referred to the Secretary's Desk.

At the hour of 11:30 o'clock a.m., Senator Aquino, presiding.

#### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator Hunter, **House Bill No. 2214** having been printed, was taken up and 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 HOUSE BILL 2214**

AMENDMENT NO. 1 . Amend House Bill 2214 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 12-4.57 as follows:  
(305 ILCS 5/12-4.57 new)

Sec. 12-4.57. Stolen SNAP benefits via card skimming; data collection and reports.

(a) As the State administrator of benefits provided under the federally funded Supplemental Nutrition Assistance Program (SNAP), the Department of Human Services shall track and collect data on the scope and frequency of SNAP benefits fraud in this State where a SNAP recipient's benefits are stolen from the recipient's electronic benefits transfer card by means of card skimming, card cloning, or some other similar fraudulent method. The Department shall specifically keep a record of every report made to the Department by a SNAP recipient alleging the theft of benefits due to no fault of the recipient, the benefit amount stolen, and, if practicable, how those stolen benefits were used and the location of those thefts.

(b) The Department shall report its findings to the General Assembly on an annual basis beginning on January 1, 2024. The Department shall file an annual report no later than the 60th day of the following year following each reporting period. A SNAP recipient's personally identifiable information shall be excluded from the reports consistent with State and federal privacy protections. Each annual report shall also be posted on the Department's official website.

(c) If the Department determines that a SNAP recipient has made a substantiated report of stolen benefits due to card skimming, card cloning, or some other similar fraudulent method, the Department shall refer the matter to the State's Attorney who has jurisdiction over the alleged theft or fraud and shall provide any assistance to that State's Attorney in the prosecution of the alleged theft or fraud."

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

On motion of Senator Edly-Allen, **House Bill No. 2474** having been printed, was taken up and 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 HOUSE BILL 2474**

AMENDMENT NO. 1. Amend House Bill 2474 on page 9, line 16, by replacing "2025" with "2024".

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

On motion of Senator Pacione-Zayas, **House Bill No. 3413** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 3413**

AMENDMENT NO. 1. Amend House Bill 3413 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by adding Section 5-45.35 as follows:

(5 ILCS 100/5-45.35 new)

Sec. 5-45.35. Emergency rulemaking; Department of Natural Resources. To provide for the expeditious and timely implementation of Section 13 of the Human Remains Protection Act, emergency rules implementing Section 13 of the Human Remains Protection Act may be adopted in accordance with Section 5-45 by the Department of Natural Resources. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed one year after the effective date of this amendatory Act of the 103rd General Assembly.

Section 10. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7)

(Text of Section before amendment by P.A. 102-982)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the

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public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:



(i) test questions, scoring keys, and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or ~~self-insurance self-insurance~~ (including any intergovernmental risk management association or ~~self-insurance self-insurance~~ pool) claims, loss or risk management information, records, data, advice, or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or

systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under ~~Section~~ Sections 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

(nn) ~~(mm)~~ Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.

(oo) ~~(mm)~~ Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(pp) Any and all information regarding burials, interments, or entombments of human remains as required to be reported to the Department of Natural Resources pursuant either to the Archaeological and Paleontological Resources Protection Act or the Human Remains Protection Act.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20; 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic crashes, traffic crash reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a

result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys, and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or ~~self-insurance self-insurance~~ (including any intergovernmental risk management association or ~~self-insurance self-insurance~~ pool) claims, loss or risk management information, records, data, advice, or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under ~~Section Sections~~ 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

(nn) ~~(mm)~~ Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.

(oo) ~~(mm)~~ Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(pp) Any and all information regarding burials, interments, or entombments of human remains as required to be reported to the Department of Natural Resources pursuant either to the Archaeological and Paleontological Resources Protection Act or the Human Remains Protection Act.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20; 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff. 6-10-22; revised 12-13-22.)

Section 15. The Seizure and Forfeiture Reporting Act is amended by changing Section 5 as follows:  
(5 ILCS 810/5)

Sec. 5. Applicability. This Act is applicable to property seized or forfeited under the following provisions of law:

- (1) Section 3.23 of the Illinois Food, Drug and Cosmetic Act;
- (2) Section 44.1 of the Environmental Protection Act;
- (3) Section 105-55 of the Herptiles-Herps Act;
- (4) Section 1-215 of the Fish and Aquatic Life Code;
- (5) Section 1.25 of the Wildlife Code;
- (6) Section 17-10.6 of the Criminal Code of 2012 (financial institution fraud);
- (7) Section 28-5 of the Criminal Code of 2012 (gambling);
- (8) Article 29B of the Criminal Code of 2012 (money laundering);
- (9) Article 33G of the Criminal Code of 2012 (Illinois Street Gang and Racketeer Influenced And Corrupt Organizations Law);

- (10) Article 36 of the Criminal Code of 2012 (seizure and forfeiture of vessels, vehicles, and aircraft);
- (11) Section 47-15 of the Criminal Code of 2012 (dumping garbage upon real property);
- (12) Article 124B of the Code of Criminal Procedure of 1963 (forfeiture);
- (13) the Drug Asset Forfeiture Procedure Act;
- (14) the Narcotics Profit Forfeiture Act;
- (15) the Illinois Streetgang Terrorism Omnibus Prevention Act; ~~and~~
- (16) the Illinois Securities Law of 1953;~~-~~
- (17) the Archaeological and Paleontological Resources Protection Act; and
- (18) the Human Remains Protection Act.

(Source: P.A. 102-558, eff. 8-20-21.)

Section 20. The Archaeological and Paleontological Resources Protection Act is amended by changing Sections .02, 3, 5, 7, 8, 10, and 11 and by adding Section 12 as follows:

(20 ILCS 3435/.02) (from Ch. 127, par. 133c.02)

Sec. .02. Definitions. For purposes of this Act:

(~~a~~) "Archaeological resource" means any significant material remains or localities of past human life or activities on public land, including but not limited to artifacts, historic and prehistoric human ~~skeletal~~ remains, mounds, earthworks, shipwrecks, forts, village sites or mines.

(~~b~~) "Department" means the Department of Natural Resources.

"Disturb" includes defacing, mutilating, injuring, exposing, removing, destroying, desecrating or molesting in any way.

"Human remains" include the bones and decomposed fleshy parts of a deceased human body.

(~~c~~) "Paleontological resource" means any significant fossil or material remains on public lands including traces or impressions of animals or plants that occur as part of the geological record that are known and are included in the files maintained by the ~~Department Illinois State Museum~~ under Section 10.

(~~d~~) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation or a receiver, trustee, guardian or other representative appointed by order of any court, the federal and State governments, including State universities created by statute or any city, town, county or other political subdivision of this State.

(~~e~~) "Public land" means any land owned, but does not include land leased as lessee, by the State of Illinois or its agencies, a State university created by statute, a municipality or a unit of local government.

(Source: P.A. 86-459; 86-707.)

(20 ILCS 3435/3) (from Ch. 127, par. 133c3)

Sec. 3. Permits.

(a) It is unlawful for any person, either by himself or through an agent, to knowingly explore, excavate, possess, or collect any of the archaeological or paleontological resources protected by this Act, unless such person obtains a permit issued by the Department of Natural Resources.

(b) It is unlawful for any person, either by himself or through an agent, to knowingly disturb any archaeological or paleontological resource protected under this Act.

(c) It is unlawful for any person, either by himself or through an agent, to offer any object for sale or exchange with the knowledge that it has been previously collected or excavated in violation of this Act.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3435/5) (from Ch. 127, par. 133c5)

Sec. 5. Penalties. Any violation of Section 3 not involving the disturbance of human ~~skeletal~~ remains is a Class A misdemeanor and the violator shall also be subject to ~~imprisonment and~~ a fine not in excess of \$5,000; any subsequent violation is a Class 4 felony. Any violation of Section 3 involving disturbance of human ~~skeletal~~ remains is a Class 4 felony. Each disturbance of an archaeological site or a paleontological site shall constitute a single offense. Persons convicted of a violation of Section 3 shall also be ordered to pay restitution. Such restitution is liable for civil damages to be assessed by the circuit court land managing agency and the Department of Natural Resources. Restitution Civil damages may include, but is not limited to:

(a) (blank); forfeiture of any and all equipment used in acquiring the protected material;

(b) any and all costs incurred in cleaning, restoring, analyzing, accessioning and curating the recovered materials;

(c) any and all costs associated with restoring the land to its original contour;



(d) any and all costs associated with recovery of data and analyzing, publishing, accessioning and curating materials when the prohibited activity is so extensive as to preclude the restoration of the archaeological or paleontological site;

(e) any and all costs associated with the determination and collection of restitution ~~the civil damages~~.

When restitution is ordered in a case that is prosecuted by ~~civil damages are recovered through~~ the Attorney General, all restitution ~~the proceeds~~ shall be deposited into the Historic Sites Fund; when restitution is ordered in a case that is prosecuted by ~~civil damages are recovered through~~ the State's Attorney, the proceeds shall be deposited into the county fund designated by the county board.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3435/7) (from Ch. 127, par. 133c7)

Sec. 7. Property of the State; Department management. All materials and associated records remain the property of the State and are managed by the Department ~~Illinois State Museum~~. The Illinois State Museum, ~~in consultation with the~~ Department of Natural Resources, is authorized to establish long-term curation agreements with Tribal Nations, universities, museums and other organizations.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3435/8) (from Ch. 127, par. 133c8)

Sec. 8. Department exempt from permit requirements.

(a) The Department ~~Illinois State Museum~~ shall be exempt from the permit requirements established by this Act for lands under its direct management but shall register that exploration ~~with the Department of Natural Resources~~; such registration shall include the information required under subsection (c) of Section 6.

(b) Any agency or department of the State of Illinois which has on its staff a professional archaeologist or paleontologist who meets the minimum qualifications established in Section 9 and which has in effect a memorandum of agreement with the Department of Natural Resources for the protection, preservation and management of archaeological and paleontological resources shall be exempt from the permit requirements established by this Act.

(c) Activities reviewed by the Department of Natural Resources pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) shall be exempt from these permitting requirements.

(d) Where a local government's activities are funded in whole or in part by a State agency and the funded activities are supervised or controlled by the State agency, the local government shall be exempt from the permit requirements established by this Act to the same extent that the State agency is exempt. The State agency shall be responsible for undertaking or causing to be undertaken any steps necessary to comply with this Act for those local government actions so exempted.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3435/10) (from Ch. 127, par. 133c10)

Sec. 10. Files containing information on known archaeological and paleontological sites. The Illinois State Museum, ~~in cooperation with the~~ Department of Natural Resources, shall develop and maintain files containing information on known archaeological and paleontological sites in the State, whether on State controlled or privately owned property. The Department of Natural Resources shall ensure the safety of those sites by promulgating regulations limiting access to those files as necessary.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3435/11) (from Ch. 127, par. 133c11)

Sec. 11. Violation of administrative rules. The Department of Natural Resources, in consultation with other State agencies and Departments that own or control land, shall promulgate such regulations as may be necessary to carry out the purposes of this Act.

It is unlawful to violate any administrative rule promulgated pursuant to this Act. A violation of administrative rules promulgated pursuant to this Act is a Class B misdemeanor.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3435/12 new)

Sec. 12. Seizure.

(a) Every device, equipment, tool, vehicle or conveyance, when used or operated illegally, or attempted to be used or operated illegally by any person in taking, transporting, holding, disturbing, exploring, excavating, collecting or conveying any archaeological or paleontological resources, contrary to the provisions of this Act, including administrative rules, is a public nuisance and subject to seizure and

confiscation by any authorized employee of the Department; upon the seizure of such item the Department shall take and hold the same until disposed of as hereinafter provided.

(b) Upon the seizure of any property as herein provided, the authorized employee of the Department making such seizure shall forthwith cause a complaint to be filed before the circuit court and a summons to be issued requiring the person who illegally used or operated or attempted to use or operate such property and the owner and person in possession of such property to appear in court and show cause why the property seized should not be forfeited to the State. Upon the return of the summons duly served or other notice as herein provided, the court shall proceed to determine the question of the illegality of the use of the seized property and upon judgment being entered to the effect that such property was illegally used, an order may be entered providing for the forfeiture of such seized property to the Department and shall thereupon become the property of the Department; but the owner of such property may have a jury determine the illegality of its use, and shall have the right of an appeal, as in other cases. Such confiscation or forfeiture shall not preclude or mitigate against prosecution and assessment of penalties otherwise provided in this Act.

(c) Upon seizure of any property under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen or otherwise illegally possessed or used contrary to the provisions of this Act, except property seized during a search or arrest, and ultimately returned, destroyed, or otherwise disposed of pursuant to order of a court in accordance with this Act, the Department shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession thereof, and shall return the property after such person provides reasonable and satisfactory proof of his ownership or right to possession and reimburses the Department for all reasonable expenses of such custody. If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within 6 months after the Department obtains such possession, the Department shall effectuate the sale of the property for cash to the highest bidder at a public auction. The owner or other person entitled to possession of such property may claim and recover possession of the property at any time before its sale at public auction, upon providing reasonable and satisfactory proof of ownership or right of possession and reimbursing the Department for all reasonable expenses of custody thereof.

(d) Any property forfeited to the State by court order pursuant to this Section may be disposed of by public auction, except that any property which is the subject of such a court order shall not be disposed of pending appeal of the order. The proceeds of the sales at auction shall be deposited in the Historic Sites Fund.

(e) The Department shall pay all costs of notices required by this Section.

Property seized or forfeited under this Section is subject to reporting under the Seizure and Forfeiture Reporting Act.

(f) This Section does not apply to archaeological or paleontological resources that were recovered by the Department or other law enforcement agency during an investigation of a violation of this Act.

Section 25. The Human Skeletal Remains Protection Act is amended by changing Sections 0.01, 1, 2, 3, 4, 6, 8, 9, 10, 12, 13, 14, 15, and 16 and by adding Sections 3.5, 16.1, 16.2, and 16.3 as follows:

(20 ILCS 3440/0.01) (from Ch. 127, par. 2660)

Sec. 0.01. Short title. This Act may be cited as the Human ~~Skeletal~~ Remains Protection Act.

(Source: P.A. 86-1324.)

(20 ILCS 3440/1) (from Ch. 127, par. 2661)

Sec. 1. Definitions. For the purposes of this Act:

"Department" means the Department of Natural Resources.

"Disturb" or "disturbance" includes excavating, removing, exposing, probing, defacing, mutilating, destroying, molesting, or desecrating in any way human remains, unregistered graves, grave artifacts, and grave markers.

"Encounter" means to come upon human remains, grave artifacts, grave markers, or unregistered graves at a location where such viewing was not expected or anticipated.

"Grave artifacts" means any item of human manufacture or use that is associated with the human remains in an unregistered grave.

"Grave markers" means any tomb, monument, stone, ornament, mound, or other item of human manufacture that is associated with an unregistered grave.

(~~a~~) "Human ~~skeletal~~ remains" include the bones and decomposed fleshy parts of a deceased human body.

[May 10, 2023]

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, limited-liability company, corporation or a receiver, trustee, guardian or other representatives appointed by order of any court, the Federal and State governments, including State Universities created by statute or any city, town, county or other political subdivision of this State.

"Tribal consultation" means a form of communication centered in trust, respect and shared responsibility that upholds Tribal sovereignty. It is a free and open process where the exchange of information and opinions are shared among the participating parties.

"Undertaking" means any project, activity, or construction that can result in changes to, disturbance of, moving, or destruction of human remains, grave artifacts, grave markers or unregistered graves.

~~(b) "Unregistered grave graves" means are any grave graves or location locations where a human body has been buried or deposited; is over 100 years old; and is not in a cemetery registered with or licensed by the State Comptroller under the Cemetery Care Act or under the authority of the Illinois Department of Financial and Professional Regulation pursuant to the Cemetery Oversight Act, whichever is applicable.~~

~~(c) "Grave artifacts" are any item of human manufacture or use that is associated with the human skeletal remains in an unregistered grave.~~

~~(d) "Grave markers" are any tomb, monument, stone, ornament, mound, or other item of human manufacture that is associated with an unregistered grave.~~

~~(e) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation or a receiver, trustee, guardian or other representatives appointed by order of any court, the Federal and State governments, including State Universities created by statute or any city, town, county or other political subdivision of this State.~~

~~(f) "Disturb" includes excavating, removing, exposing, defacing, mutilating, destroying, molesting, or desecrating in any way human skeletal remains, unregistered graves, and grave markers.~~

(Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

(20 ILCS 3440/2) (from Ch. 127, par. 2662)

Sec. 2. Legislative finding and intentions. The General Assembly finds that existing laws do not provide equal or adequate protection for all human graves. There is a ~~real and growing~~ threat to the safety and sanctity of unregistered and unmarked graves. Numerous incidents in Illinois have resulted in the desecration of human remains and vandalism to graves and grave markers. Similar incidents have occurred in neighboring states and as a result those states have increased their criminal penalties for such conduct. Strong and meaningful relationships between the State of Illinois and tribal nations geographically and culturally affiliated to the land now known as the State of Illinois must be cultivated. ~~There is a strong likelihood that persons engaged for personal or financial gain in the mining of prehistoric and historic Indian, pioneer, and Civil War veteran's graves will move their operations to Illinois to avoid the increased penalties being imposed in neighboring states.~~ There is an immediate need for legislation to protect the graves of Native Americans and any other peoples geographically and culturally affiliated to the land now known as the State of Illinois ~~these earlier Illinoisans~~ from such desecration. The General Assembly intends to assure with this Act that all human burials be accorded equal treatment and respect for human dignity ~~without reference to ethnic origins, cultural backgrounds or religious affiliations.~~

The General Assembly finds that the intentional looting of, desecration of, or profiting from human remains and mortuary objects are deplorable actions that must be prohibited. When human remains and unregistered graves are unintentionally encountered, they must be treated with respect and in accordance with law. This Act is not intended ~~The General Assembly also finds that those persons engaged in the scientific study or collecting of artifacts which have not been acquired in violation of law are engaged in legitimate and worthy scientific, educational and recreational activities. This Act is not intended to interfere with the continued legitimate collecting activities or studies of such persons; nor is it intended to interfere with the normal enjoyment of private property owners, farmers, or those engaged in the development, mining or improvement of real property.~~

(Source: P.A. 95-331, eff. 8-21-07.)

(20 ILCS 3440/3) (from Ch. 127, par. 2663)

Sec. 3. Notification to coroner and Department. Any person who encounters ~~discovers~~ human skeletal remains subject to this Act shall promptly notify the coroner and shall notify the Department within 48 hours of the encounter. Any person who knowingly fails to report such an encounter as required by this section ~~a discovery within 48 hours~~ is guilty of a Class C misdemeanor, unless such person has reasonable cause to believe that the coroner and the Department had already been so notified. If the human ~~skeletal~~ remains appear to be from an unregistered grave, the coroner shall promptly notify the Department of

~~Natural Resources prior to their removal.~~ Nothing in this Act shall be construed to apply to human ~~skeletal~~ remains subject to "An Act to revise the law in relation to coroners".

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3440/3.5 new)

Sec. 3.5. Encounter procedure. When an undertaking encounters human remains, unregistered graves, grave markers, or grave artifacts, all activities shall cease within a 100-foot radius of the encounter. The encountering party shall notify the coroner and the Department as required in Section 3. If the coroner determines that the human remains are not over 100 years old, no further action is required under this Act. If the coroner does determine that the human remains are over 100 years old, the Department shall review the undertaking and may issue a permit pursuant to Section 13. During its review, if it is determined by the Department that the human remains, unregistered grave, grave marker, or grave artifact are Native American in origin, the Department shall conduct tribal consultation with the tribal nations that identify as having or having had a historical, cultural, or geographic affiliation on the land where the undertaking will occur.

(20 ILCS 3440/4) (from Ch. 127, par. 2664)

Sec. 4. Disturbing human remains.

(a) It is unlawful for any person, ~~either by himself or through an agent,~~ to knowingly or recklessly disturb or to knowingly or recklessly allow the disturbance of human ~~skeletal~~ remains, unregistered graves, grave markers, or ~~and~~ grave artifacts that originated from any land that is now part of the State of Illinois and in unregistered graves protected by this Act unless such disturbance is authorized by ~~person obtains~~ a permit issued by the Department of ~~Natural Resources.~~ A violation of this Section is a Class 4 felony.

(b) This Section does not apply to:

(1) persons employed by or agents of a county medical examiner's office or coroner's office acting within the scope of their employment;

(2) the acts of a licensed funeral director or embalmer while performing acts authorized by the Funeral Directors and Embalmers Licensing Code;

(3) cemeteries and cemetery personnel while performing acts pursuant to a bona fide request from the involved cemetery consumer or his or her heirs, or pursuant to an interment or disinterment permit or a court order, or as authorized under Section 14.5 of the Cemetery Protection Act, or any other actions legally authorized for cemetery employees;

(4) the acts of emergency medical personnel or physicians performed in good faith and according to the usual and customary standards of medical practice in an attempt to resuscitate a life;

(5) physicians licensed to practice medicine in all of its branches or holding a visiting professor, physician, or resident permit under the Medical Practice Act of 1987, performing acts in accordance with usual and customary standards of medical practice, or a currently enrolled student in an accredited medical school in furtherance of his or her education at the accredited medical school;

(6) removing or carrying away human remains by the employees, independent contractors, or other persons designated by the federally designated organ procurement agency engaged in the organ and tissue procurement process; or

(7) Department employees in the course of their official duties pursuant to this Act.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3440/6) (from Ch. 127, par. 2666)

Sec. 6. Violations.

(a) It is unlawful for any person, ~~either by himself or through an agent,~~ to knowingly or recklessly:

(1) charge admission or a fee to observe;

(2) sell;

(3) purchase; or

(4) transport for sale or to a location that will charge admission or a fee to observe any human remains, grave artifacts, or grave markers that are Native American in origin or that originated from any land that is now part of the State of Illinois.

~~A person who violates this Section commits a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation offer any human skeletal remains, grave artifacts or grave markers for sale or exchange with the knowledge that they have been collected or excavated in violation of this Act.~~

(b) This Section does not apply to:

(1) the acts of a licensed funeral director or embalmer while performing acts authorized by the Funeral Directors and Embalmers Licensing Code; or

(2) cemeteries and cemetery personnel while performing acts pursuant to a bona fide request from the involved cemetery consumer or his or her heirs, or pursuant to an interment or disinterment permit or a court order, or as authorized under Section 14.5 of the Cemetery Protection Act, or any other actions legally authorized for cemetery employees.

(Source: P.A. 86-151.)

(20 ILCS 3440/8) (from Ch. 127, par. 2668)

Sec. 8. Duties of the State's Attorney and Attorney General. The State's Attorney of the county in which a violation of ~~Sections 4, 5, 6, or 7~~ of this Act or administrative rules is alleged to have occurred, or the Attorney General, may be requested by the ~~Department~~ Director of Natural Resources to initiate criminal prosecutions and ~~or to~~ seek restitution, civil damages, injunctive relief and any other appropriate relief. The ~~Department of Natural Resources~~ shall co-operate with the State's Attorney or the Attorney General. Persons wishing to report aware of any violations of this Act shall contact the Department of Natural Resources.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3440/9) (from Ch. 127, par. 2669)

Sec. 9. Rewards for information leading to arrest of violators of the Act. The ~~Department of Natural Resources~~ is authorized to offer a reward of up to ~~\$5,000~~ \$2000 for information leading to the arrest and conviction of persons who violate ~~Sections 4, 5, 6, and 7~~ of this Act.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3440/10) (from Ch. 127, par. 2670)

Sec. 10. Penalties. Any violation of Sections 4, 6 or 7 of this Act, unless otherwise specified, is a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation. Any violation of administrative rules adopted under this Act is a Class B misdemeanor and the violator shall be subject to imprisonment for not more than 1 year and a fine not in excess of \$10,000; any subsequent violation is a Class 4 felony. Each disturbance of human remains, an unregistered graves, grave markers, or grave artifacts grave constitutes a separate offense.

(Source: P.A. 86-151.)

(20 ILCS 3440/12) (from Ch. 127, par. 2672)

Sec. 12. Restitution. Persons convicted of a violation of ~~Section 3, 3.5, 4, or 6~~ Section 4 or 5 of this Act shall also be liable for restitution ~~civil damages~~ to be assessed by the circuit court ~~Historic Preservation Agency.~~ Restitution Civil damages may include, but is not limited to:

(a) ~~(blank); forfeiture of any and all equipment used in disturbing the protected unregistered graves or grave markers;~~

(b) any and all costs incurred in cleaning, restoring, repairing, analyzing, accessioning and curating the recovered materials, including, but not limited to, fees for experts the Department needed to complete any restoration or identification required under this Act;

(c) any and all costs associated with restoring the land to its original contour or the grave marker to its original condition;

(d) any and all costs associated with recovery of data, and analyzing, publishing, accessioning and curating materials when the prohibited activity is so extensive as to preclude the restoration of the unregistered burials or grave markers;

(e) any and all costs associated with the reinterment of the human ~~skeletal~~ remains;

(f) any and all costs associated with the determination and collection of restitution; and the civil damages.

(g) for Native American remains and materials, any and all costs of traveling for tribal nation representatives for reinterment or repatriation activities and for non-Native American remains and materials, any and all costs of traveling for experts the Department needed to complete any restoration or identification required under this Act.

When restitution is ordered in a case prosecuted by civil damages are recovered through the Attorney General, the restitution proceeds shall be deposited into the Repatriation and Reinterment Historic Sites Fund; when restitution is ordered in a case prosecuted by civil damages are recovered through the State's Attorney, the proceeds shall be deposited into the county funds designated by the county board that may only be used for repatriation or reinterment.

(Source: P.A. 86-151.)

(20 ILCS 3440/13) (from Ch. 127, par. 2673)

Sec. 13. Notification.

(a) If an undertaking will occur on property that the property owner has been notified in writing by the Department that the land is likely to contain human remains, unregistered graves, grave markers, or grave artifacts, a permit shall be obtained by the landowner from the Department.

(b) If human remains, unregistered graves, grave markers, or grave artifacts that were unknown and were encountered by any person, a permit shall be obtained from the Department before any work on the undertaking may continue.

(c) The Department of Natural Resources shall adopt administrative rules ~~develop regulations, in consultation with the Illinois State Museum,~~ whereby permits ~~shall~~ may be issued for the avoidance, disturbance, or removal of human remains, unregistered graves, grave markers, or grave artifacts, or a combination of those activities ~~removal of human skeletal remains and grave artifacts from unregistered graves or the removal of grave markers.~~ The Department may adopt emergency rules in accordance with Sections 5-45 and 5-45.35 of the Illinois Administrative Procedure Act. The adoption of emergency rules authorized by Sections 5-45 and 5-45.35 of the Illinois Administrative Procedure Act and this paragraph is deemed to be necessary for the public interest, safety, and welfare.

(d) ~~(b)~~ Each permit shall specify all terms and conditions under which the avoidance, removal, or disturbance of human ~~skeletal~~ remains, grave artifacts, ~~or~~ grave markers, or unregistered graves shall be carried out. All costs accrued in the removal of the aforementioned materials shall be borne by the permit applicant. Within 60 days of the ~~Upon~~ completion of the undertaking ~~project~~, the permit holder shall submit a report, on a form provided by the Department, of the results to the Department of Natural Resources.  
(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3440/14) (from Ch. 127, par. 2674)

Sec. 14. Native American human remains. All Native American human remains, unregistered graves, grave markers, and grave artifacts are the property of the Native American nations geographically and culturally affiliated with Illinois. The Department shall maintain and care for Native American property until tribal consultation has been completed and the tribes have made the final decision for repatriation or other arrangements have been established. The Department shall:

- (1) maintain records;
- (2) conduct tribal consultation;
- (3) provide reports to tribal nations; and
- (4) facilitate repatriation and reinterment efforts.

Such repatriation and reinterment efforts shall be with tribal approval.

All non-Native American human ~~skeletal~~ remains, grave markers, and grave artifacts in unregistered graves are held in trust for the people of Illinois by the State and are under the jurisdiction of the Department until and unless they are repatriated to descendants or other arrangements have been established. Unless and until they are repatriated, all ~~of Natural Resources.~~ All materials collected under this Act shall be maintained, with dignity and respect, for the people of the State under the care of the Department Illinois State Museum.  
(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3440/15) (from Ch. 127, par. 2675)

Sec. 15. Rules. The Department of Natural Resources shall adopt ~~promulgate~~ such administrative rules ~~regulations~~ as may be necessary to carry out the purposes of this Act in accordance with the Illinois Administrative Procedure Act.  
(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3440/16) (from Ch. 127, par. 2676)

Sec. 16. Exemptions. Activities reviewed by the Department of Natural Resources pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and activities permitted pursuant to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87), or the rules and regulations promulgated thereunder or any law, rule or regulation adopted by the State of Illinois thereunder shall be exempt from these permitting requirements.

(Source: P.A. 100-695, eff. 8-3-18.)

(20 ILCS 3440/16.1 new)

Sec. 16.1. Burial site on Department owned lands. The Department may create a burial site on Department owned lands for the reburial of repatriated Native American human remains, unregistered graves, grave markers, or grave artifacts after tribal consultation with the federally recognized tribes with geographical and cultural affiliation with Illinois. The burial site shall not be used by the public and shall be protected by the State of Illinois.

(20 ILCS 3440/16.2 new)

Sec. 16.2. Repatriation and Reinterment Fund. The Repatriation and Reinterment Fund is created in the State treasury. All restitution collected from the prosecution of any violation of this Act shall be deposited in the fund and each deposit shall only be used to cover the restitution that was so ordered in an individual case pursuant to Section 12. The General Assembly may allocate appropriations to this fund to cover the cost of, including but not limited to, reinterment, repatriation, repair, or restoration of human remains, unregistered graves, grave markers, or grave artifacts that are in the custody of the Department.

(20 ILCS 3440/16.3 new)

Sec. 16.3. Forfeiture.

(a) Every device, equipment, tool, vehicle or conveyance, when used or operated illegally, or attempted to be used or operated illegally by any person in taking, transporting, holding, disturbing, exploring, excavating, collecting or conveying any human remains, grave artifacts, or grave markers, contrary to the provisions of this Act, including administrative rules, is a public nuisance and subject to seizure and confiscation by any authorized employee of the Department; upon the seizure of such item the Department shall take and hold the same until disposed of as hereinafter provided.

(b) Upon the seizure of any property as herein provided, the authorized employee of the Department making such seizure shall forthwith cause a complaint to be filed before the circuit court and a summons to be issued requiring the person who illegally used or operated or attempted to use or operate such property and the owner and person in possession of such property to appear in court and show cause why the property seized should not be forfeited to the State. Upon the return of the summons duly served or other notice as herein provided, the court shall proceed to determine the question of the illegality of the use of the seized property and upon judgment being entered to the effect that such property was illegally used, an order may be entered providing for the forfeiture of such seized property to the Department and shall thereupon become the property of the Department; but the owner of such property may have a jury determine the illegality of its use, and shall have the right of an appeal, as in other cases. Such confiscation or forfeiture shall not preclude or mitigate against prosecution and assessment of penalties otherwise provided in this Act.

(c) Upon seizure of any property under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen or otherwise illegally possessed or used contrary to the provisions of this Act, except property seized during a search or arrest, and ultimately returned, destroyed, or otherwise disposed of pursuant to order of a court in accordance with this Act, the Department shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession thereof, and shall return the property after such person provides reasonable and satisfactory proof of his ownership or right to possession and reimburses the Department for all reasonable expenses of such custody. If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within 6 months after the Department obtains such possession, the Department shall effectuate the sale of the property for cash to the highest bidder at a public auction. The owner or other person entitled to possession of such property may claim and recover possession of the property at any time before its sale at public auction, upon providing reasonable and satisfactory proof of ownership or right of possession and reimbursing the Department for all reasonable expenses of custody thereof.

(d) Any property forfeited to the State by court order pursuant to this Section may be disposed of by public auction, except that any property which is the subject of such a court order shall not be disposed of pending appeal of the order. The proceeds of the sales at auction shall be deposited in the Repatriation and Reinterment Fund.

(e) The Department shall pay all costs of notices required by this Section.

(f) Property seized or forfeited under this Section is subject to reporting under the Seizure and Forfeiture Reporting Act.

(g) This Section does not apply to human remains, grave artifacts, or grave markers that were recovered by the Department or other law enforcement agency during an investigation of a violation of this Act.

(20 ILCS 3440/5 rep.)

(20 ILCS 3440/7 rep.)

(20 ILCS 3440/11 rep.)

Section 30. The Human Skeletal Remains Protection Act is amended by repealing Sections 5, 7, and 11.

Section 35. The State Finance Act is amended by adding Section 5.990 as follows:

(30 ILCS 105/5.990 new)

Sec. 5.990. The Repatriation and Reinterment Fund.

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

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

#### **AMENDMENT NO. 2 TO HOUSE BILL 3413**

AMENDMENT NO. 2 . Amend House Bill 3413, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 58 by replacing lines 3 through 11 with the following:

"(20 ILCS 3440/16.1 new)

Sec. 16.1. Burial sites on Department owned lands. The Department may create burial sites on Department owned lands for the reburial of repatriated Native American human remains, unregistered graves, grave markers, or grave artifacts after tribal consultation with the federally recognized tribes with geographical and cultural affiliation with Illinois. The burial sites shall not be used by the public and shall be protected by the State of Illinois."

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

On motion of Senator Pacione-Zayas, **House Bill No. 3129** having been printed, was taken up and read by title a second time.

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

#### **AMENDMENT NO. 1 TO HOUSE BILL 3129**

AMENDMENT NO. 1 . Amend House Bill 3129 by replacing everything after the enacting clause with the following:

"Section 5. The Equal Pay Act of 2003 is amended by changing Sections 5, 10, 15, 20, and 30 as follows:

(820 ILCS 112/5)

Sec. 5. Definitions. As used in this Act:

"Director" means the Director of Labor.

"Department" means the Department of Labor.

"Employee" means any individual permitted to work by an employer.

"Employer" means an individual, partnership, corporation, association, business, trust, person, or entity for whom employees are gainfully employed in Illinois and includes the State of Illinois, any state officer, department, or agency, any unit of local government, and any school district.

"Pay scale and benefits" means the wage or salary, or the wage or salary range, and a general description of the benefits and other compensation, including, but not limited to, bonuses, stock options, or other incentives the employer reasonably expects in good faith to offer for the position, set by reference to any applicable pay scale, the previously determined range for the position, the actual range of others currently holding equivalent positions, or the budgeted amount for the position, as applicable.

(Source: P.A. 99-418, eff. 1-1-16.)

(820 ILCS 112/10)

Sec. 10. Prohibited acts.

(a) No employer may discriminate between employees on the basis of sex by paying wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work on jobs the performance of which requires substantially similar skill, effort, and responsibility, and which are performed under similar working conditions, except where the payment is made under:

(1) a seniority system;

[May 10, 2023]



- (2) a merit system;
- (3) a system that measures earnings by quantity or quality of production; or
- (4) a differential based on any other factor other than: (i) sex or (ii) a factor that would constitute unlawful discrimination under the Illinois Human Rights Act, provided that the factor:
  - (A) is not based on or derived from a differential in compensation based on sex or another protected characteristic;
  - (B) is job-related with respect to the position and consistent with a business necessity;
 and
  - (C) accounts for the differential.

No employer may discriminate between employees by paying wages to an African-American employee at a rate less than the rate at which the employer pays wages to another employee who is not African-American for the same or substantially similar work on jobs the performance of which requires substantially similar skill, effort, and responsibility, and which are performed under similar working conditions, except where the payment is made under:

- (1) a seniority system;
- (2) a merit system;
- (3) a system that measures earnings by quantity or quality of production; or
- (4) a differential based on any other factor other than: (i) race or (ii) a factor that would constitute unlawful discrimination under the Illinois Human Rights Act, provided that the factor:
  - (A) is not based on or derived from a differential in compensation based on race or another protected characteristic;
  - (B) is job-related with respect to the position and consistent with a business necessity;
 and
  - (C) accounts for the differential.

An employer who is paying wages in violation of this Act may not, to comply with this Act, reduce the wages of any other employee.

Nothing in this Act may be construed to require an employer to pay, to any employee at a workplace in a particular county, wages that are equal to the wages paid by that employer at a workplace in another county to employees in jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

(b) It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this Act. It is unlawful for any employer to discharge or in any other manner discriminate against any individual for inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee, or aiding or encouraging any person to exercise his or her rights under this Act. It is unlawful for an employer to require an employee to sign a contract or waiver that would prohibit the employee from disclosing or discussing information about the employee's wages, salary, benefits, or other compensation. An employer may, however, prohibit a human resources employee, a supervisor, or any other employee whose job responsibilities require or allow access to other employees' wage or salary information from disclosing that information without prior written consent from the employee whose information is sought or requested.

(b-5) It is unlawful for an employer or employment agency, or employee or agent thereof, to (1) screen job applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history of an applicant satisfy minimum or maximum criteria, (2) request or require a wage or salary history as a condition of being considered for employment, as a condition of being interviewed, as a condition of continuing to be considered for an offer of employment, as a condition of an offer of employment or an offer of compensation, or (3) request or require that an applicant disclose wage or salary history as a condition of employment.

(b-10) It is unlawful for an employer to seek the wage or salary history, including benefits or other compensation, of a job applicant from any current or former employer. This subsection (b-10) does not apply if:

- (1) the job applicant's wage or salary history is a matter of public record under the Freedom of Information Act, or any other equivalent State or federal law, or is contained in a document completed by the job applicant's current or former employer and then made available to the public by the employer, or submitted or posted by the employer to comply with State or federal law; or
- (2) the job applicant is a current employee and is applying for a position with the same current employer.

(b-15) Nothing in subsections (b-5) and (b-10) shall be construed to prevent an employer or employment agency, or an employee or agent thereof, from:

(1) providing information about the wages, benefits, compensation, or salary offered in relation to a position; or

(2) engaging in discussions with an applicant for employment about the applicant's expectations with respect to wage or salary, benefits, and other compensation, including unvested equity or deferred compensation that the applicant would forfeit or have canceled by virtue of the applicant's resignation from the applicant's current employer. If, during such discussion, the applicant voluntarily and without prompting discloses that the applicant would forfeit or have canceled by virtue of the applicant's resignation from the applicant's current employer unvested equity or deferred compensation, an employer may request the applicant to verify the aggregate amount of such compensation by submitting a letter or document stating the aggregate amount of the unvested equity or deferred compensation from, at the applicant's choice, one of the following: (1) the applicant's current employer or (2) the business entity that administers the funds that constitute the unvested equity or deferred compensation.

(b-20) An employer is not in violation of subsections (b-5) and (b-10) when a job applicant voluntarily and without prompting discloses his or her current or prior wage or salary history, including benefits or other compensation, on the condition that the employer does not consider or rely on the voluntary disclosures as a factor in determining whether to offer a job applicant employment, in making an offer of compensation, or in determining future wages, salary, benefits, or other compensation.

(b-25) It is unlawful for an employer with 15 or more employees to fail to include the pay scale and benefits for a position in any specific job posting. The inclusion of a hyperlink to a publicly viewable webpage that includes the pay scale and benefits satisfies the requirements for inclusion under this subsection. If an employer engages a third party to announce, post, publish, or otherwise make known a job posting, the third party is liable for failure to include the pay scale and benefits in the job posting, unless the third party can show that the employer did not provide the necessary information regarding pay scale and benefits. An employer shall announce, post, or otherwise make known all opportunities for promotion to all current employees no later than 14 calendar days after the employer makes an external job posting for the position, except for positions in the State of Illinois workforce designated as exempt from competitive selection. Nothing in this subsection requires an employer to make a job posting. Posting of a relevant and up to date general benefits description in an easily accessible, central location on an employer's website and referring to this posting in the job posting shall be deemed to satisfy the benefits posting requirement under this subsection. This subsection only applies to positions that (i) will be physically performed, at least in part, in Illinois or (ii) will be physically performed outside of Illinois, but the employee reports to a supervisor, office, or other work site in Illinois. Nothing in this subsection prohibits an employer or employment agency from asking an applicant about his or her wage or salary expectations for the position the applicant is applying for. An employer or employment agency shall disclose to an applicant for employment the pay scale and benefits to be offered for the position prior to any offer or discussion of compensation and at the applicant's request, if a public or internal posting for the job, promotion, transfer, or other employment opportunity has not been made available to the applicant. This subsection shall only apply to job postings that have been posted after the effective date of this amendatory Act of the 103rd General Assembly.

(b-30) An employer or an employment agency shall not refuse to interview, hire, promote, or employ, and shall not otherwise retaliate against, an applicant for employment or an employee for exercising any rights under subsection (b-25).

(c) It is unlawful for any person to discharge or in any other manner discriminate against any individual because the individual:

(1) has filed any charge or has instituted or caused to be instituted any proceeding under or related to this Act;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act;

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act; or

(4) fails to comply with any wage or salary history inquiry.

(Source: P.A. 101-177, eff. 9-29-19; 102-277, eff. 1-1-22.)

(820 ILCS 112/15)

[May 10, 2023]

Sec. 15. Enforcement.

(a) The Director or his or her authorized representative shall administer and enforce the provisions of this Act. The Director of Labor shall adopt rules necessary to administer and enforce this Act.

(b) An employee or former employee may file a complaint with the Department alleging a violation of this Act by submitting a signed, completed complaint form. All complaints shall be filed with the Department within one year from the date of the violation underpayment.

(c) The Department has the power to conduct investigations in connection with the administration and enforcement of this Act and the authorized officers and employees of the Department are authorized to investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to this Act, and may enter and inspect such places and such records at reasonable times during regular business hours, question the employees and investigate the facts, conditions, practices, or matters as he or she may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of this Act.

(d) The Department may refer a complaint alleging a violation of this Act to the Department of Human Rights for investigation if the subject matter of the complaint also alleges a violation of the Illinois Human Rights Act and the Department of Human Rights has jurisdiction over the matter. When a complaint is referred to the Department of Human Rights under this subsection, the Department of Human Rights shall also file the complaint under the Illinois Human Rights Act and be the agency responsible for investigating the complaint. The Department shall review the Department of Human Rights' investigation and findings to determine whether a violation of this Act has occurred or whether further investigation by the Department is necessary and take any necessary or appropriate action required to enforce the provisions of this Act. The Director of Labor and the Department of Human Rights shall adopt joint rules necessary to administer and enforce this subsection.

(Source: P.A. 98-1051, eff. 1-1-15.)

(820 ILCS 112/20)

Sec. 20. Recordkeeping requirements. An employer subject to any provision of this Act shall make and preserve records that document the name, address, and occupation of each employee, the wages paid to each employee, the pay scale and benefits for each position, the job posting for each position, and any other information the Director may by rule deem necessary and appropriate for enforcement of this Act. An employer subject to any provision of this Act shall preserve those records for a period of not less than 5 years and shall make reports from the records as prescribed by rule or order of the Director, unless the records relate to an ongoing investigation or enforcement action under this Act, in which case the records must be maintained until their destruction is authorized by the Department or by court order.

(Source: P.A. 96-467, eff. 8-14-09.)

(820 ILCS 112/30)

Sec. 30. Violations; fines and penalties.

(a) If an employee is paid by his or her employer less than the wage to which he or she is entitled in violation of Section 10 or 11 of this Act, the employee may recover in a civil action the entire amount of any underpayment together with interest, compensatory damages if the employee demonstrates that the employer acted with malice or reckless indifference, punitive damages as may be appropriate, injunctive relief as may be appropriate, and the costs and reasonable attorney's fees as may be allowed by the court and as necessary to make the employee whole. At the request of the employee or on a motion of the Director, the Department may make an assignment of the wage claim in trust for the assigning employee and may bring any legal action necessary to collect the claim, and the employer shall be required to pay the costs incurred in collecting the claim. Every such action shall be brought within 5 years from the date of the underpayment. For purposes of this Act, "date of the underpayment" means each time wages are underpaid.

(a-5) If an employer violates subsection (b), (b-5), (b-10), or (b-20) of Section 10, the employee may recover in a civil action any damages incurred, special damages not to exceed \$10,000, injunctive relief as may be appropriate, and costs and reasonable attorney's fees as may be allowed by the court and as necessary to make the employee whole. If special damages are available, an employee may recover compensatory damages only to the extent such damages exceed the amount of special damages. Such action shall be brought within 5 years from the date of the violation.

(b) The Director is authorized to supervise the payment of the unpaid wages under subsection (a) or damages under subsection (b), (b-5), (b-10), or (b-20) of Section 10 owing to any employee or employees under this Act and may bring any legal action necessary to recover the amount of unpaid wages, damages, and penalties or to seek injunctive relief, and the employer shall be required to pay the costs. Any sums

recovered by the Director on behalf of an employee under this Section shall be paid to the employee or employees affected.

(c) Employers who violate any provision of this Act or any rule adopted under the Act, except for a violation of subsection (b-25) of Section 10, are subject to a civil penalty for each employee affected as follows:

(1) An employer with fewer than 4 employees: first offense, a fine not to exceed \$500; second offense, a fine not to exceed \$2,500; third or subsequent offense, a fine not to exceed \$5,000.

(2) An employer with between 4 and 99 employees: first offense, a fine not to exceed \$2,500; second offense, a fine not to exceed \$3,000; third or subsequent offense, a fine not to exceed \$5,000.

(3) An employer with 100 or more employees who violates any Section of this Act except for Section 11 shall be fined up to \$10,000 per employee affected. An employer with 100 or more employees that is a business as defined under Section 11 and commits a violation of Section 11 shall be fined up to \$10,000.

Before any imposition of a penalty under this subsection, an employer with 100 or more employees who violates item (b) of Section 11 and inadvertently fails to file an initial application or recertification shall be provided 30 calendar days by the Department to submit the application or recertification.

An employer or person who violates subsection (b), (b-5), (b-10), (b-20), or (c) of Section 10 is subject to a civil penalty not to exceed \$5,000 for each violation for each employee affected.

(c-5) The Department may initiate investigations of alleged violations of subsection (b-25) of Section 10 upon receiving a complaint from any person that claims to be aggrieved by a violation of that subsection or at the Department's discretion. Any person that claims to be aggrieved by a violation of subsection (b-25) of Section 10 may submit a complaint of an alleged violation of that subsection to the Department within one year after the date of the violation. If the Department has determined that a violation has occurred, it shall issue to the employer a notice setting forth the violation, the applicable penalty as described in subsections (c-10) and (c-15), and the period to cure the violation as described in subsection (c-10).

(c-7) A job posting found to be in violation of subsection (b-25) of Section 10 shall be considered as one violating job posting regardless of the number of duplicative postings that list the job opening.

(c-10) The penalties for a job posting or batch of postings that are active at the time the Department issues a notice of violation for violating subsection (b-25) of Section 10 are as follows:

(1) For a first offense, following a cure period of 14 days to remedy the violation, a fine not to exceed \$500 at the discretion of the Department. A first offense may be either a single job posting that violates subsection (b-25) of Section 10 or multiple job postings that violate subsection (b-25) of Section 10 and are identified at the same time by the Department. The Department shall have discretion to waive any civil penalty under this paragraph.

(2) For a second offense, following a cure period of 7 days to remedy the violation, a fine not to exceed \$2,500 at the discretion of the Department. A second offense is a single job posting that violates subsection (b-25) of Section 10. The Department shall have discretion to waive any civil penalty under this paragraph.

(3) For a third or subsequent offense, no cure period, a fine not to exceed \$10,000 at the discretion of the Department. A third or subsequent offense is a single job posting that violates subsection (b-25) of Section 10. The Department shall have discretion to waive any civil penalty under this paragraph. If a company has had a third offense, it shall incur automatic penalties without a cure period for a period of 5 years, at the completion of which any future offense shall count as a first offense. The 5-year period shall restart if, during that period, an employer receives a subsequent notice of violation from the Department.

(c-15) The penalties for a job posting or batch of job postings that are not active at the time the Department issues a notice of violation for violating subsection (b-25) of Section 10 are as follows:

(1) For a first offense, a fine not to exceed \$250 at the discretion of the Department. A first offense may be either a single job posting that violates subsection (b-25) of Section 10 or multiple job postings that violate subsection (b-25) of Section 10 and are identified at the same time by the Department. The Department shall have discretion to waive any civil penalty under this paragraph.

(2) For a second offense, a fine not to exceed \$2,500 at the discretion of the Department. A second offense is a single job posting that violates subsection (b-25) of Section 10. The Department shall have discretion to waive any civil penalty under this paragraph.

(3) For a third or subsequent offense, a fine not to exceed \$10,000 at the discretion of the Department. A third or subsequent offense is a single job posting that violates subsection (b-25) of Section 10. The Department shall have discretion to waive any civil penalty under this paragraph.

(d) In determining the amount of the penalty under this Section, the appropriateness of the penalty to the size of the business of the employer charged and the gravity of the violation shall be considered. The penalty may be recovered in a civil action brought by the Director in any circuit court.  
(Source: P.A. 101-177, eff. 9-29-19; 102-36, eff. 6-25-21.)

Section 99. Effective date. This Act takes effect January 1, 2025."

Floor Amendment No. 2 was held in the Committee on Executive.

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

On motion of Senator Pacione-Zayas, **House Bill No. 3566** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 3566**

AMENDMENT NO. 1 . Amend House Bill 3566 on page 5, line 6, by replacing "; and" with "~~and~~"; and

on page 5, line 11, by replacing "children." with "children; and -"; and

on page 5, immediately after line 11, by inserting the following:

"(18) A qualified child care director, as described in 89 Ill. Adm. Code 407.130, must be present at the open or close of the facility. A qualified early childhood teacher, as described in 89 Ill. Adm. Code 407.140, who has been employed by the facility continuously for at least 24 months may otherwise be present for the first or last hour of the workday."

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

On motion of Senator Pacione-Zayas, **House Bill No. 3648** having been printed, was taken up and read by title a second time.

Senator Pacione-Zayas offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO HOUSE BILL 3648**

AMENDMENT NO. 1 . Amend House Bill 3648 on page 3, by replacing lines 5 through 17 with the following:

"(d) To facilitate the collection of information on higher education in prison (HEP) programs, each 4-year public or private institution of higher education with HEP degree or certificate programs shall provide the Board of Higher Education with student-level information as part of its regular agency data-collection processes. Each public community college with HEP degree or certificate programs shall provide the Illinois Community College Board with student-level information as part of its regular agency data-collection processes. Upon request, the student-level information shall include the correctional facility in which the HEP program is being offered. The information provided to the Board of Higher Education and the Illinois Community College Board shall include HEP enrollment and completion data disaggregated by variables, including but not limited to, race, ethnicity, gender, age, and type of degree or certificate. The Board of Higher Education and the Illinois Community College Board shall annually make HEP program data publicly available on their Internet websites."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Hunter, **House Bill No. 3710** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 3710**

AMENDMENT NO. 1. Amend House Bill 3710 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Alternative Protein Innovation Task Force Act.

Section 5. Definitions. As used in this Act:

"Alternative proteins" means proteins created from plant-based, fermented, cell-cultured inputs and processes to create foods that share sensory characteristics with conventional meat and dairy.

"Cultivated meat" means meat that is produced in a bioreactor from animal cells using a cell cultivation process.

"Fermented protein" means a protein that is made from traditional fermentation, biomass fermentation, or precision fermentation.

"Plant-based protein" means a protein that is produced directly from a plant.

Section 10. Alternative Protein Innovation Task Force. The Alternative Protein Innovation Task Force is established for the purposes of investigating and studying alternative proteins and developing a master plan of recommendations for fostering the appropriate expansion of protein innovation and the alternative protein industry in the State. The Task Force shall study how the State can best support the growing alternative protein industry in the State. The Task Force shall: (i) examine the potential economic development benefits and job creation potential of the plant-based protein, cultivated meat, and fermented protein industries in the State; (ii) identify the environmental benefits of alternative proteins; (iii) examine how alternative proteins can strengthen the State's food resilience; (iv) assess how alternative proteins can improve individual health, public health, and food security in the State; and (v) identify ways the State can foster the growth of the emerging alternative protein industry, including by reviewing past efforts made to support the broader biotech and life science industries.

Section 15. Membership; appointments; meeting; administrative support.

(a) The Alternative Protein Innovation Task Force shall consist of the following members:

(1) one member of the Senate, who shall be appointed by the President of the Senate and shall serve as co-chair of the Task Force;

(2) one member of the Senate, who shall be appointed by the Minority Leader of the Senate;

(3) one member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and shall serve as co-chair of the Task Force;

(4) one member of the House of Representatives, who shall be appointed by the Minority Leader of the House of Representatives;

(5) the Secretary of Commerce and Economic Opportunity or the Secretary's designee;

(6) the Director of Agriculture or the Director's designee;

(7) 2 members who are appointed by the Director of Agriculture and are commercial producers of agricultural commodities; and

(8) 7 members who are appointed by the Governor. Of the members appointed by the Governor, 2 members shall be engaged in academic or scientific research on alternative protein development at a State college or university; one member shall be engaged in the private sector research and development of alternative proteins; one member shall be an academic expert in food security issues of the State; one member shall be a representative of a nonprofit organization dedicated to the development and accessibility of alternative proteins; one member shall be a representative of the State's agricultural biotechnology industry; and one member shall be the president of the Illinois Biotechnology Industry Organization or the organization's designee.

(b) Members of the Task Force shall not receive compensation for their services to the Task Force.

(c) All appointments shall be made not later than 30 days after the effective date of this Act.

(d) The co-chairs of the Task Force shall schedule no more than 3 meetings annually of the Task Force, including not less than one public hearing. The co-chairs shall convene the first meeting of the Task Force within 60 days after the effective date of this Act.

(e) The General Assembly shall provide administrative and other support to the Task Force.

Section 20. Report.

(a) The Task Force shall study and analyze the potential benefits of alternative proteins and shall address in its report:

(1) the job growth potential of the alternative protein industry in the State as demand for protein continues to grow;

(2) how plant-based protein, fermented proteins, and cultivated meat can yield environmental benefits;

(3) how the State can support new and emerging companies in this sector and what pressing challenges the industry currently faces;

(4) policy options the State can consider taking to address the needs of the alternative protein industry;

(5) actions that can be taken to facilitate the growth of the alternative protein industry; and

(6) any other topic that the Task Force may choose to examine in relation to alternative proteins.

(b) The Task Force shall submit a report of its findings and recommendations to the General Assembly, together with drafts of proposed legislation necessary to carry out those recommendations, not later than December 31, 2023.

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

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

### READING BILL OF THE SENATE A SECOND TIME

On motion of Senator Murphy, **Senate Bill No. 90** having been printed, was taken up, read by title a second time.

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

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

#### AMENDMENT NO. 2 TO SENATE BILL 90

AMENDMENT NO. 2 . Amend Senate Bill 90 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the Racism-Free Schools Law.

Section 5. The Freedom of Information Act is amended by changing Section 7.5 as follows:  
(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any

information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and 2705-616 of the Department of Transportation Law of the Civil Administrative Code of Illinois, the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Office due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.



(v-5) Records of the Firearm Owner's Identification Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the Illinois State Police Act.

(ccc) Records exempt from disclosure under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois.

(ddd) Information prohibited from being disclosed under Section 35 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.

(eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(fff) Images from cameras under the Expressway Camera Act. This subsection (fff) is inoperative on and after July 1, 2023.

(ggg) Information prohibited from disclosure under paragraph (3) of subsection (a) of Section 14 of the Nurse Agency Licensing Act.

(hhh) Information submitted to the ~~Illinois Department of~~ State Police in an affidavit or application for an assault weapon endorsement, assault weapon attachment endorsement, .50 caliber rifle endorsement, or .50 caliber cartridge endorsement under the Firearm Owners Identification Card Act.

(iii) Data exempt from disclosure under Section 2-3.196 of the School Code.

(Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff. 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237, eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised 2-13-23.)

Section 10. The School Code is amended by adding Sections 2-3.196 and 22-95 and by changing Sections 27A-5 and 34-18.62 as follows:

(105 ILCS 5/2-3.196 new)

Sec. 2-3.196. Discrimination, harassment, and retaliation reporting.

(a) The requirements of this Section are subject to appropriation.

(b) The State Board of Education shall build data collection systems to allow the collection of data on allegations of the conduct described in paragraph (1). By August 1 of the year after the system is implemented and by each August 1 thereafter, each school district, charter school, and nonpublic, nonsectarian elementary or secondary school shall disclose to the State Board of Education all of the following information:

(1) The total number of reported allegations of discrimination, harassment, or retaliation against students received by each school district, charter school, or nonpublic, nonsectarian elementary or secondary school during the preceding school year, defined as August 1 to July 31, and the total amount of allegations in each of the following categories:

(A) sexual harassment;

(B) discrimination or harassment on the basis of race, color, or national origin;

(C) discrimination or harassment on the basis of sex;

(D) discrimination or harassment on the basis of religion;

(E) discrimination or harassment on the basis of disability; and

(F) retaliation.

(2) The status of allegations, as of the last day of the reporting period, in each category under paragraph (1).

Allegations shall be reported as unfounded, founded, or investigation pending by the school district, charter school, or nonpublic, nonsectarian elementary or secondary school.

(c) A school district, charter school, or nonpublic, nonsectarian elementary or secondary school may not include in any disclosures required under this Section any information by which an individual may be

personally identified, including the name of the victim or victims or those accused of an act of alleged harassment.

(d) If a school district, charter school, or nonpublic, non-sectarian elementary or secondary school fails to disclose the information required in subsection (b) of this Section by July 31 of the reporting school year, the State Board of Education shall provide a written request for disclosure to the school district, charter school, or nonpublic, nonsectarian elementary or secondary school, thereby providing the period of time in which the required information must be disclosed. If a school district, charter school, or nonpublic, nonsectarian elementary or secondary school fails to disclose the information within 14 days after receipt of that written request, the State Board of Education may petition the Department of Human Rights to initiate a charge of a civil rights violation pursuant to Section 5A-102 of the Illinois Human Rights Act.

(e) The State Board of Education shall publish an annual report aggregating the information reported by school districts, charter schools, and nonpublic, nonsectarian elementary or secondary schools under subsection (b) of this Section. Data included in the report shall not be publicly attributed to any individual school district, charter school, or nonpublic, nonsectarian elementary or secondary school. The report shall include the number of incidents reported between August 1 and July 31 of the preceding reporting school year, based on each of the protected classes identified under paragraph (1) of this subsection (b).

The annual report shall be filed with the Department and the General Assembly and made available to the public by July 1 of the year following the reporting school year. Data submitted by a school district, charter school, or nonpublic, nonsectarian elementary or secondary school to comply with this Section is confidential and exempt from the Freedom of Information Act.

(f) The State Board of Education shall adopt any rules deemed necessary for implementation of this Section.

(g) This Section is repealed on July 1, 2029.

(105 ILCS 5/22-95 new)

Sec. 22-95. Policy on discrimination, harassment, and retaliation; response procedures.

(a) Each school district, charter school, or nonpublic, nonsectarian elementary or secondary school must create, implement, and maintain at least one written policy that prohibits discrimination and harassment against students based on race, color, or national origin and prohibits retaliation against students for submitting a complaint. The policy may be included as part of a broader anti-harassment or anti-discrimination policy, provided that the policy prohibiting discrimination and harassment against students based on race, color, or national origin and retaliation against students shall be distinguished with an appropriate title, heading, or label. This policy must comply with and be distributed in accordance with all of the following:

(1) The policy must be in writing and must include at a minimum, the following information:

(A) descriptions of various forms of discrimination and harassment based on race, color, or national origin, including examples;

(B) the school district's, charter school's, or nonpublic, nonsectarian elementary or secondary school's internal process for filing a complaint regarding a violation of the policy described in this subsection, or a reference to that process if described elsewhere in policy;

(C) an overview of the school district's, charter school's, or nonpublic, nonsectarian elementary or secondary school's prevention and response program pursuant to subsection (b);

(D) potential remedies for a violation of the policy described in this subsection;

(E) a prohibition on retaliation for making a complaint or participating in the complaint process;

(F) the legal recourse available through the Department of Human Rights and through federal agencies if a school district, charter school, or nonpublic, nonsectarian elementary or secondary school fails to take corrective action, or a reference to that process if described elsewhere in policy; and

(G) directions on how to contact the Department of Human Rights or a reference to those directions if described elsewhere in the policy.

(2) The policy described in this subsection shall be posted in a prominent and accessible location and distributed in such a manner as to ensure notice of the policy to all employees. If the school district, charter school, or nonpublic, nonsectarian elementary or secondary school maintains an Internet website or has an employee Intranet, the website or Intranet shall be considered a prominent and accessible location for the purpose of this paragraph (2). Distribution shall be effectuated by the beginning of the 2024-2025 school year and shall occur annually thereafter.

(3) The policy described in this subsection shall be published on the school district's, charter school's, or nonpublic, nonsectarian elementary or secondary school's Internet website, if one exists, and in a student handbook. A summary of the policy in accessible, age-appropriate language shall be distributed annually to students and to the parents or guardians of minor students. School districts, charter schools, and nonpublic, nonsectarian elementary or secondary schools shall provide a summary of the policy in the parent or guardian's native language. For the annual distribution of the summary, inclusion of the summary in a student handbook is deemed compliant.

(b) Each school district, charter school, and nonpublic, nonsectarian elementary or secondary school must establish procedures for responding to student complaints of discrimination, harassment, and retaliation based on race, color, or national origin. Based on these procedures, school districts, charter schools, and nonpublic, nonsectarian elementary or secondary schools:

(1) shall reduce or remove, to the extent practicable, barriers to students reporting discrimination, harassment, and retaliation;

(2) shall permit any student who reports or is the victim of an incident of alleged discrimination, harassment, or retaliation to be accompanied when making a report by a support person of the student's choice who complies with the school district's, charter school's, or nonpublic, nonsectarian elementary or secondary school's policies or rules;

(3) shall permit anonymous reporting, except that this paragraph (3) may not be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(4) shall offer remedial interventions or take such disciplinary action as may be appropriate on a case-by-case basis;

(5) may offer, but not require or unduly influence, a person who reports or is the victim of an incident of discrimination, harassment, or retaliation the option to resolve allegations directly with the offender; and

(6) may not cause a person who reports or is the victim of an incident of discrimination, harassment, or retaliation to suffer adverse consequences as a result of a report of, an investigation of, or a response to the incident; this protection may not permit victims to engage in retaliation against the offender or prevent a school from applying disciplinary measures in response to other acts or conduct not related to the process of reporting, investigating, or responding to a report of an incident of discrimination, harassment, or retaliation.

(105 ILCS 5/27A-5)

(Text of Section before amendment by P.A. 102-466 and 102-702)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. No later than January 1, 2021 (one year after the effective date of Public Act 101-291), a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board

of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs, including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

- (1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;
- (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;
- (3) the Local Governmental and Governmental Employees Tort Immunity Act;
- (4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;
- (5) the Abused and Neglected Child Reporting Act;

- (5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;  
 (6) the Illinois School Student Records Act;  
 (7) Section 10-17a of this Code regarding school report cards;  
 (8) the P-20 Longitudinal Education Data System Act;  
 (9) Section 27-23.7 of this Code regarding bullying prevention;  
 (10) Section 2-3.162 of this Code regarding student discipline reporting;  
 (11) Sections 22-80 and 27-8.1 of this Code;  
 (12) Sections 10-20.60 and 34-18.53 of this Code;  
 (13) Sections 10-20.63 and 34-18.56 of this Code;  
 (14) Sections 22-90 and 26-18 of this Code;  
 (15) Section 22-30 of this Code;  
 (16) Sections 24-12 and 34-85 of this Code;  
 (17) the Seizure Smart School Act;  
 (18) Section 2-3.64a-10 of this Code;  
 (19) Sections 10-20.73 and 34-21.9 of this Code;  
 (20) Section 10-22.25b of this Code;  
 (21) Section 27-9.1a of this Code;  
 (22) Section 27-9.1b of this Code;  
 (23) Section 34-18.8 of this Code;  
 (25) Section 2-3.188 of this Code;  
 (26) Section 22-85.5 of this Code;  
 (27) ~~subsections~~ Subsections (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~  
 (28) Sections 10-20.83 and 34-18.78 of this Code;  
 (29) ~~(27)~~ Section 10-20.13 of this Code;  
 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~  
 (31) ~~(29)~~ Section 34-21.6 of this Code;  
 (33) Section 2-3.196 of this Code;  
 (34) Section 22-95 of this Code;  
 (35) Section 34-18.62 of this Code; and  
 (36) the Illinois Human Rights Act.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the State Board or Commission, then the charter school is its own local education agency.

(Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22;

102-445, eff. 8-20-21; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-702 but before amendment by P.A. 102-466)  
Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. No later than January 1, 2021 (one year after the effective date of Public Act 101-291), a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and

safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs, including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;

(2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;

(3) the Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) the Abused and Neglected Child Reporting Act;

(5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

(7) Section 10-17a of this Code regarding school report cards;

(8) the P-20 Longitudinal Education Data System Act;

(9) Section 27-23.7 of this Code regarding bullying prevention;

(10) Section 2-3.162 of this Code regarding student discipline reporting;

(11) Sections 22-80 and 27-8.1 of this Code;

(12) Sections 10-20.60 and 34-18.53 of this Code;

(13) Sections 10-20.63 and 34-18.56 of this Code;

(14) Sections 22-90 and 26-18 of this Code;

(15) Section 22-30 of this Code;

(16) Sections 24-12 and 34-85 of this Code;

(17) the Seizure Smart School Act;

(18) Section 2-3.64a-10 of this Code;

(19) Sections 10-20.73 and 34-21.9 of this Code;

(20) Section 10-22.25b of this Code;

(21) Section 27-9.1a of this Code;

(22) Section 27-9.1b of this Code;

(23) Section 34-18.8 of this Code; ~~and~~

(25) Section 2-3.188 of this Code;

(26) Section 22-85.5 of this Code;

(27) ~~subsections~~ Subsections (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~

(28) Sections 10-20.83 and 34-18.78 of this Code; ~~;~~

(29) ~~(27)~~ Section 10-20.13 of this Code;

(30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~

(31) ~~(29)~~ Section 34-21.6 of this Code; ~~;~~

(32) ~~(25)~~ Section 22-85.10 of this Code; ~~;~~

(33) Section 2-3.196 of this Code;



- (34) Section 22-95 of this Code;  
(35) Section 34-18.62 of this Code; and  
(36) the Illinois Human Rights Act.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the State Board or Commission, then the charter school is its own local education agency.

(Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-466)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. No later than January 1, 2021 (one year after the effective date of Public Act 101-291), a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board

of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs, including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

- (1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;
- (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;
- (3) the Local Governmental and Governmental Employees Tort Immunity Act;
- (4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;
- (5) the Abused and Neglected Child Reporting Act;

- (5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;
- (6) the Illinois School Student Records Act;
- (7) Section 10-17a of this Code regarding school report cards;
- (8) the P-20 Longitudinal Education Data System Act;
- (9) Section 27-23.7 of this Code regarding bullying prevention;
- (10) Section 2-3.162 of this Code regarding student discipline reporting;
- (11) Sections 22-80 and 27-8.1 of this Code;
- (12) Sections 10-20.60 and 34-18.53 of this Code;
- (13) Sections 10-20.63 and 34-18.56 of this Code;
- (14) Sections 22-90 and 26-18 of this Code;
- (15) Section 22-30 of this Code;
- (16) Sections 24-12 and 34-85 of this Code;
- (17) the Seizure Smart School Act;
- (18) Section 2-3.64a-10 of this Code;
- (19) Sections 10-20.73 and 34-21.9 of this Code;
- (20) Section 10-22.25b of this Code;
- (21) Section 27-9.1a of this Code;
- (22) Section 27-9.1b of this Code;
- (23) Section 34-18.8 of this Code;
- (24) Article 26A of this Code; ~~and~~
- (25) Section 2-3.188 of this Code;
- (26) Section 22-85.5 of this Code;
- (27) ~~subsections~~ Subsections (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~
- (28) Sections 10-20.83 and 34-18.78 of this Code; ~~;~~
- ~~(29) (27) Section 10-20.13 of this Code;~~
- ~~(30) (28) Section 28-19.2 of this Code; and~~
- ~~(31) (29) Section 34-21.6 of this Code;~~
- ~~(32) (25) Section 22-85.10 of this Code; ;~~
- (33) Section 2-3.196 of this Code;
- (34) Section 22-95 of this Code;
- (35) Section 34-18.62 of this Code; and
- (36) the Illinois Human Rights Act.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the State Board or Commission, then the charter school is its own local education agency.

(Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

(105 ILCS 5/34-18.62)

Sec. 34-18.62. Policies on discrimination and sexual harassment; prevention and response program.

(a) The school district must create, maintain, and implement an age-appropriate policy on sexual harassment that must be posted on the school district's website and, if applicable, any other area where policies, rules, and standards of conduct are currently posted in each school and must also be included in the school district's student code of conduct handbook.

(b) The school district must create, maintain, and implement a policy or policies prohibiting discrimination and harassment against students based on race, color, and national origin and prohibiting retaliation against students for submitting a complaint. Such policy or policies may be included as part of a broader anti-harassment or anti-discrimination policy provided they are distinguished with an appropriate title, heading, or label. The policy or policies adopted under this subsection (b) must comply with and be distributed in accordance with subsection (a) of Section 22-95 of the Code.

(c) The school district must establish procedures for responding to student complaints of discrimination, harassment, and retaliation based on race, color, or national origin. These procedures must comply with subsection (b) of Section 22-95 of the Code.

(Source: P.A. 101-418, eff. 1-1-20; 102-558, eff. 8-20-21.)

Section 15. The Illinois Human Rights Act is amended by changing Sections 1-102, 5-102.2, 5A-101, 5A-102, and 6-101 and by adding Sections 5A-103 and 5A-104 as follows:

(775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

Sec. 1-102. Declaration of Policy. It is the public policy of this State:

(A) Freedom from Unlawful Discrimination. To secure for all individuals within Illinois the freedom from discrimination based on against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations, including freedom from discrimination in the educational environment in elementary, secondary, and higher education.

(B) Freedom from Sexual Harassment ~~Employment and Elementary, Secondary, and Higher Education~~. To prevent sexual harassment in employment, real estate transactions, and sexual harassment in elementary, secondary, and higher education.

(C) Freedom from Discrimination in Employment ~~Based on Citizenship Status Employment~~. To prevent discrimination in employment based on arrest records, conviction records, language, work authorization status, or citizenship status in employment.

(C-5) ~~(Blank). Freedom from Discrimination Based on Work Authorization Status Employment. To prevent discrimination based on the specific status or term of status that accompanies a legal work authorization.~~

(D) Freedom from Discrimination ~~in Based on Familial Status or Source of Income-Real Estate Transactions~~. To prevent discrimination in real estate transactions based on arrest records, familial status, or source of income in real estate transactions.

(E) Public Health, Welfare and Safety. To promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity, in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State.

(F) Implementation of Constitutional Guarantees. To secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970.

(G) Equal Opportunity, Affirmative Action. To establish Equal Opportunity and Affirmative Action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of State government and in their relations with the public.

(H) Unfounded Charges. To protect citizens of this State against unfounded charges of ~~prohibited unlawful discrimination, sexual harassment~~ in employment, real estate transactions, financial credit, public accommodations, and ~~sexual harassment in elementary, secondary, and higher education, and discrimination based on citizenship status or work authorization status in employment.~~

(Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

(775 ILCS 5/5-102.2)

Sec. 5-102.2. Jurisdiction limited. In regard to places of public accommodation defined in paragraph (11) of Section 5-101, ~~the jurisdiction under this Article of the Department~~ is limited to: (1) the failure to enroll an individual; (2) the denial or refusal of full and equal enjoyment of facilities, goods, or services; or (3) severe or pervasive harassment of an individual when the covered entity fails to take corrective action to stop the severe or pervasive harassment. This limitation on jurisdiction set forth in this Section does not apply to civil rights violations under Article 2, 3, 4, 5A, or 6.

(Source: P.A. 102-1102, eff. 1-1-23.)

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

Sec. 5A-101. Definitions. The following definitions are applicable strictly in the content of this Article, except that the term "sexual harassment in elementary, secondary, and higher education" as defined herein has the meaning herein ascribed to it whenever that term is used anywhere in this Act.

(A) Institution of Elementary, Secondary, or Higher Education. "Institution of elementary, secondary, or higher education" means: (1) a publicly or privately operated university, college, community college, junior college, business or vocational school, or other educational institution offering degrees and instruction beyond the secondary school level; or (2) a publicly or privately operated elementary school or secondary school.

(B) Degree. "Degree" means: (1) a designation, appellation, series of letters or words or other symbols which signifies or purports to signify that the recipient thereof has satisfactorily completed an organized academic, business or vocational program of study offered beyond the secondary school level; or (2) a designation signifying that the recipient has graduated from an elementary school or secondary school.

(C) Student. "Student" means any individual admitted to or applying for admission to an institution of elementary, secondary, or higher education, or enrolled on a full or part time basis in a course or program of academic, business or vocational instruction offered by or through an institution of elementary, secondary, or higher education.

(D) Elementary, Secondary, or Higher Education Representative. "Elementary, secondary, or higher education representative" means and includes the president, chancellor or other holder of any executive office on the administrative staff of an institution of higher education, an administrator of an elementary school or secondary school, a member of the faculty of an institution of higher education, including but not limited to a dean or associate or assistant dean, a professor or associate or assistant professor, and a full or part time instructor or visiting professor, including a graduate assistant or other student who is employed on a temporary basis of less than full time as a teacher or instructor of any course or program of academic, business or vocational instruction offered by or through an institution of higher education, and any teacher, instructor, or other employee of an elementary school or secondary school.

(E) Sexual Harassment in Elementary, Secondary, and Higher Education. "Sexual harassment in elementary, secondary, and higher education" means any unwelcome sexual advances or requests for sexual favors made by an elementary, secondary, or higher education representative to a student, or any conduct of a sexual nature exhibited by an elementary, secondary, or higher education representative toward a student, when such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment; or when the elementary, secondary, or higher education representative either explicitly or implicitly makes the student's submission to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct as a basis for determining:

(1) Whether the student will be admitted to an institution of elementary, secondary, or higher education;

(2) The educational performance required or expected of the student;

(3) The attendance or assignment requirements applicable to the student;

(4) To what courses, fields of study or programs, including honors and graduate programs, the student will be admitted;

(5) What placement or course proficiency requirements are applicable to the student;

(6) The quality of instruction the student will receive;

- (7) What tuition or fee requirements are applicable to the student;
- (8) What scholarship opportunities are available to the student;
- (9) What extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;
- (10) Any grade the student will receive in any examination or in any course or program of instruction in which the student is enrolled;
- (11) The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled; or
- (12) What degree, if any, the student will receive.

(F) Harassment in Elementary, Secondary, or Higher Education. "Harassment in elementary, secondary, or higher education" means any unwelcome conduct by an elementary, secondary or higher education representative toward a student on the basis of a student's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service that has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile, or offensive educational environment.

(G) Educational Environment. As used in "educational environment" includes conduct that occurs at school, school-related activities, or events, and may include conduct that occurs off school grounds, subject to applicable state and federal law.

(Source: P.A. 96-1319, eff. 7-27-10.)

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

Sec. 5A-102. Civil Rights Violations-Elementary, Secondary, and Higher Education. It is a civil rights violation:

(A) Sexual Harassment; Elementary, Secondary, or Higher Education Representative. For any elementary, secondary, or higher education representative to commit or engage in sexual harassment in elementary, secondary, or higher education.

(B) Sexual Harassment; Institution of Elementary, Secondary, or Higher Education. For any institution of elementary, secondary, or higher education to fail to take remedial action, or to fail to take appropriate disciplinary action against an elementary, secondary, or higher education representative employed by such institution, when such institution knows that such elementary, secondary, or higher education representative was committing or engaging in or committed or engaged in sexual harassment in elementary, secondary, or higher education.

(C) Harassment; Elementary, Secondary, or Higher Education Representative. For any elementary, secondary, or higher education representative to commit or engage in harassment in elementary, secondary, or higher education.

(D) Harassment; Institution of Elementary, Secondary, or Higher Education. For any institution of elementary, secondary, or higher education to fail to take appropriate corrective action to stop harassment if the institution knows that the student or elementary, secondary, or higher education representative was committing or engaging in or committed or engaged in harassment in elementary, secondary, or higher education.

Nothing in this Article 5A shall be construed to limit jurisdiction under Section 5-102.2.

(E) Failure to Report. For any school district established under the School Code or institutions of elementary or secondary education covered by this Act to fail to disclose information as required by Section 9-3.164 of the School Code.

(Source: P.A. 96-574, eff. 8-18-09; 96-1319, eff. 7-27-10.)

(775 ILCS 5/5A-103 new)

Sec. 5A-103. Discrimination and harassment based on race, color, or national origin.

(a) The General Assembly finds that harassment and discrimination based on race, color, or national origin has a detrimental influence in schools, contributing to psychological and physical harm and poorer academic outcomes for students of color, and higher rates of teacher turnover among teachers of color. It is the General Assembly's intent that each institution of elementary and secondary education in the State adopt and actively implement policies to reduce and respond effectively to harassment and discrimination based on race, color, or national origin; to provide students, parents or guardians, and employees information on how to recognize and report harassment and discrimination; and, for students, parents or guardians, and employees, to report harassment and discrimination based on race, color, or national origin without fear of retaliation, loss of status, or loss of opportunities.

(b) The Department shall produce a model training program aimed at the prevention of discrimination and harassment based on race, color, and national origin in institutions of elementary and secondary education. The model program shall be made available to institutions of elementary and secondary education and to the public online at no cost. This model program shall regard participants as potential bystanders, rather than potential offenders, and include, at a minimum, the following:

(1) a primary focus on preventing discrimination and harassment based on race, color, or national origin and retaliation;

(2) an explanation of discrimination and harassment based on race, color, or national origin and retaliation;

(3) examples of conduct that constitutes discrimination and harassment based on race, color, or national origin and retaliation;

(4) an explanation, with examples, of how patterns of conduct can, taken together over time, rise to the level of bullying, harassment, or discrimination;

(5) an explanation of the difference between discrimination based on disparate treatment and discrimination based on disparate impact;

(6) a summary of other classes that are protected from harassment and discrimination, and a statement that training intended to improve recognition of discrimination and harassment based on race, color, and national origin does not diminish protections under the law for other protected classes;

(7) an explanation of the difference between harassment as defined under this Act and bullying;

(8) a summary of relevant federal and State statutory provisions concerning discrimination and harassment based on race, color, and national origin and retaliation including remedies available to victims;

(9) directions on how to contact the Department if a school fails to take corrective action to stop harassment or discrimination;

(10) a summary of responsibilities of institutions of elementary or secondary education in the prevention, investigation, and correction of discrimination, harassment, and retaliation; and

(11) an explanation of the liability for discrimination, harassment, and retaliation under this Act.

(c) Every institution of elementary or secondary education in this State shall use the model training program developed by the Department, establish its own training program that equals or exceeds the minimum standards set forth in subsection (b), or use an existing discrimination and harassment prevention training program that equals or exceeds the minimum standards set forth in subsection (b). The training program shall be provided as a component of all new employee training programs for elementary and secondary education representatives and to existing representatives at least once every 2 years. For the purposes of satisfying the requirements under this Section, the Department's model program may be used to supplement any existing program an institution of elementary or secondary education is utilizing or develops.

(d) Upon notification of a violation of subsection (c), the Department may launch a preliminary investigation. If the Department finds a violation of this Section, the Department may issue a notice to show cause, giving the institution of elementary or secondary education 30 days to correct the violation. If the institution of elementary or secondary education does not correct the violation within 30 days, the Department may initiate a charge of a civil rights violation.

(775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

Sec. 6-101. Additional civil rights violations under Articles 2, 4, 5, and 5A. It is a civil rights violation for a person, or for 2 or more persons, to conspire to:

(A) Retaliate. Retaliate against a person because ~~that person he or she~~ has:

~~(i) opposed or reported conduct that the person that which he or she reasonably and in good faith believes to be prohibited unlawful discrimination, sexual harassment in employment, sexual harassment in elementary, secondary, and higher education, or discrimination based on arrest record, citizenship status, or work authorization status in employment under Articles 2, 4, 5, and 5A; because he or she has~~

~~(ii) made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act; or, or because he or she has~~

~~(iii) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by this Act;~~

(B) Aiding and Abetting; Coercion. Aid, abet, compel, or coerce a person to commit any violation of this Act;

(C) Interference. Wilfully interfere with the performance of a duty or the exercise of a power by the Commission or one of its members or representatives or the Department or one of its officers or employees.

~~Definitions. For the purposes of this Section, "sexual harassment", "citizenship status", and "work authorization status" shall have the same meaning as defined in Section 2-101 of this Act.~~

(Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22; 102-813, eff. 5-13-22.)

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

Section 99. Effective date. This Act takes effect August 1, 2024."

Senator Murphy offered the following amendment and moved its adoption:

**AMENDMENT NO. 3 TO SENATE BILL 90**

AMENDMENT NO. 3. Amend Senate Bill 90, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the Racism-Free Schools Law.

Section 5. The Freedom of Information Act is amended by changing Section 7.5 as follows:  
(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.



(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and 2705-616 of the Department of Transportation Law of the Civil Administrative Code of Illinois, the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Office due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(v-5) Records of the Firearm Owner's Identification Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

- (dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.
- (ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.
- (ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.
- (gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.
- (hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.
- (ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.
- (jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.
- (kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.
- (ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.
- (mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.
- (nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.
- (oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.
- (pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.
- (qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.
- (rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.
- (ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.
- (tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.
- (uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.
- (vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.
- (ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.
- (xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.
- (yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.
- (zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.
- (aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.
- (bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the Illinois State Police Act.
- (ccc) Records exempt from disclosure under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois.
- (ddd) Information prohibited from being disclosed under Section 35 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.
- (eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.
- (fff) Images from cameras under the Expressway Camera Act. This subsection (fff) is inoperative on and after July 1, 2023.

(ggg) Information prohibited from disclosure under paragraph (3) of subsection (a) of Section 14 of the Nurse Agency Licensing Act.

(hhh) Information submitted to the ~~Illinois Department of State Police~~ in an affidavit or application for an assault weapon endorsement, assault weapon attachment endorsement, .50 caliber rifle endorsement, or .50 caliber cartridge endorsement under the Firearm Owners Identification Card Act.

(iii) Data exempt from disclosure under Section 2-3.196 of the School Code.

(Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff. 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237, eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised 2-13-23.)

Section 10. The School Code is amended by adding Sections 2-3.196 and 22-95 and by changing Sections 27A-5 and 34-18.62 as follows:

(105 ILCS 5/2-3.196 new)

Sec. 2-3.196. Discrimination, harassment, and retaliation reporting.

(a) The requirements of this Section are subject to appropriation.

(b) The State Board of Education shall build data collection systems to allow the collection of data on reported allegations of the conduct described in paragraph (1). Beginning on August 1 of the year after the systems are implemented and for each reporting school year beginning on August 1 and ending on July 31 thereafter, each school district, charter school, and nonpublic, nonsectarian elementary or secondary school shall disclose to the State Board of Education all of the following information:

(1) The total number of reported allegations of discrimination, harassment, or retaliation against students received by each school district, charter school, or nonpublic, nonsectarian elementary or secondary school during the reporting school year, defined as August 1 to July 31, in each of the following categories:

(A) sexual harassment;

(B) discrimination or harassment on the basis of race, color, or national origin;

(C) discrimination or harassment on the basis of sex;

(D) discrimination or harassment on the basis of religion;

(E) discrimination or harassment on the basis of disability; and

(F) retaliation.

(2) The status of allegations, as of the last day of the reporting period, in each category under paragraph (1).

Allegations shall be reported as unfounded, founded, or investigation pending by the school district, charter school, or nonpublic, nonsectarian elementary or secondary school.

(c) A school district, charter school, or nonpublic, nonsectarian elementary or secondary school may not include in any disclosures required under this Section any information by which an individual may be personally identified, including the name of the victim or victims or those accused of an act of alleged discrimination, harassment, or retaliation.

(d) If a school district, charter school, or nonpublic, nonsectarian elementary or secondary school fails to disclose the information required in subsection (b) of this Section by July 31 of the reporting school year, the State Board of Education shall provide a written request for disclosure to the school district, charter school, or nonpublic, nonsectarian elementary or secondary school, thereby providing the period of time in which the required information must be disclosed. If a school district, charter school, or nonpublic, nonsectarian elementary or secondary school fails to disclose the information within 14 days after receipt of that written request, the State Board of Education may petition the Department of Human Rights to initiate a charge of a civil rights violation pursuant to Section 5A-102 of the Illinois Human Rights Act.

(e) The State Board of Education shall publish an annual report aggregating the information reported by school districts, charter schools, and nonpublic, nonsectarian elementary or secondary schools under subsection (b) of this Section. Data included in the report shall not be publicly attributed to any individual school district, charter school, or nonpublic, nonsectarian elementary or secondary school. The report shall include the number of incidents reported between August 1 and July 31 of the preceding reporting school year, based on each of the categories identified under paragraph (1) of this subsection (b).

The annual report shall be filed with the Department of Human Rights and the General Assembly and made available to the public by July 1 of the year following the reporting school year. Data submitted by a school district, charter school, or nonpublic, nonsectarian elementary or secondary school to comply with this Section is confidential and exempt from the Freedom of Information Act.

(f) The State Board of Education may adopt any rules deemed necessary for implementation of this Section.

(g) This Section is repealed on July 1, 2029.

(105 ILCS 5/22-95 new)

Sec. 22-95. Policy on discrimination, harassment, and retaliation; response procedures.

(a) As used in this Section, "policy" means either the use of a singular policy or multiple policies.

(b) Each school district, charter school, or nonpublic, nonsectarian elementary or secondary school must create, implement, and maintain at least one written policy that prohibits discrimination and harassment based on race, color, or national origin and prohibits retaliation. The policy may be included as part of a broader anti-harassment or anti-discrimination policy, provided that the policy prohibiting discrimination and harassment based on race, color, or national origin and retaliation shall be distinguished with an appropriate title, heading, or label. This policy must comply with and be distributed in accordance with all of the following:

(1) The policy must be in writing and must include at a minimum, the following information:

(A) descriptions of various forms of discrimination and harassment based on race, color, or national origin, including examples;

(B) the school district's, charter school's, or nonpublic, nonsectarian elementary or secondary school's internal process for filing a complaint regarding a violation of the policy described in this subsection, or a reference to that process if described elsewhere in policy;

(C) an overview of the school district's, charter school's, or nonpublic, nonsectarian elementary or secondary school's prevention and response program pursuant to subsection (c);

(D) potential remedies for a violation of the policy described in this subsection;

(E) a prohibition on retaliation for making a complaint or participating in the complaint process;

(F) the legal recourse available through the Department of Human Rights and through federal agencies if a school district, charter school, or nonpublic, nonsectarian elementary or secondary school fails to take corrective action, or a reference to that process if described elsewhere in policy; and

(G) directions on how to contact the Department of Human Rights or a reference to those directions if described elsewhere in the policy.

The policy shall make clear that the policy does not impair or otherwise diminish the rights of unionized employees under federal law, State law, or a collective bargaining agreement to request an exclusive bargaining representative to be present during investigator interviews, nor does the policy diminish any rights available under the applicable negotiated collective bargaining agreement, including, but not limited to, the grievance procedure.

(2) The policy described in this subsection shall be posted in a prominent and accessible location and distributed in such a manner as to ensure notice of the policy to all employees. If the school district, charter school, or nonpublic, nonsectarian elementary or secondary school maintains an Internet website or has an employee Intranet, the website or Intranet shall be considered a prominent and accessible location for the purpose of this paragraph (2). Posting and distribution shall be effectuated by the beginning of the 2024-2025 school year and shall occur annually thereafter.

(3) The policy described in this subsection shall be published on the school district's, charter school's, or nonpublic, nonsectarian elementary or secondary school's Internet website, if one exists, and in a student handbook, if one exists. A summary of the policy in accessible, age-appropriate language shall be distributed annually to students and to the parents or guardians of minor students. School districts, charter schools, and nonpublic, nonsectarian elementary or secondary schools shall provide a summary of the policy in the parent or guardian's native language. For the annual distribution of the summary, inclusion of the summary in a student handbook is deemed compliant.

(c) Each school district, charter school, and nonpublic, nonsectarian elementary or secondary school must establish procedures for responding to complaints of discrimination and harassment based on race, color, or national origin and retaliation. These procedures must comply with subsection (b) of this Section.

Based on these procedures, school districts, charter schools, and nonpublic, nonsectarian elementary or secondary schools:

(1) shall reduce or remove, to the extent practicable, barriers to reporting discrimination, harassment, and retaliation;

(2) shall permit any person who reports or is the victim of an incident of alleged discrimination, harassment, or retaliation to be accompanied when making a report by a support individual of the person's choice who complies with the school district's, charter school's, or nonpublic, nonsectarian elementary or secondary school's policies or rules;

(3) shall permit anonymous reporting, except that this paragraph (3) may not be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(4) shall offer remedial interventions or take such disciplinary action as may be appropriate on a case-by-case basis;

(5) may offer, but not require or unduly influence, a person who reports or is the victim of an incident of discrimination, harassment, or retaliation the option to resolve allegations directly with the offender; and

(6) may not cause a person who reports or is the victim of an incident of discrimination, harassment, or retaliation to suffer adverse consequences as a result of a report of, an investigation of, or a response to the incident; this protection may not permit victims to engage in retaliation against the offender or limit a school district, charter school, or nonpublic, nonsectarian elementary or secondary school from applying disciplinary measures in response to other acts or conduct not related to the process of reporting, investigating, or responding to a report of an incident of discrimination, harassment, or retaliation.

(105 ILCS 5/27A-5)

(Text of Section before amendment by P.A. 102-466 and 102-702)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. No later than January 1, 2021 (one year after the effective date of Public Act 101-291), a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and

compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs, including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;

(2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;

(3) the Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) the Abused and Neglected Child Reporting Act;

(5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

(7) Section 10-17a of this Code regarding school report cards;

(8) the P-20 Longitudinal Education Data System Act;

(9) Section 27-23.7 of this Code regarding bullying prevention;

(10) Section 2-3.162 of this Code regarding student discipline reporting;

(11) Sections 22-80 and 27-8.1 of this Code;

(12) Sections 10-20.60 and 34-18.53 of this Code;

- (13) Sections 10-20.63 and 34-18.56 of this Code;
- (14) Sections 22-90 and 26-18 of this Code;
- (15) Section 22-30 of this Code;
- (16) Sections 24-12 and 34-85 of this Code;
- (17) the Seizure Smart School Act;
- (18) Section 2-3.64a-10 of this Code;
- (19) Sections 10-20.73 and 34-21.9 of this Code;
- (20) Section 10-22.25b of this Code;
- (21) Section 27-9.1a of this Code;
- (22) Section 27-9.1b of this Code;
- (23) Section 34-18.8 of this Code;
- (25) Section 2-3.188 of this Code;
- (26) Section 22-85.5 of this Code;
- (27) ~~subsections~~ ~~Subsections~~ (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~
- (28) Sections 10-20.83 and 34-18.78 of this Code; ~~;~~
- (29) ~~(27)~~ Section 10-20.13 of this Code;
- (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- (31) ~~(29)~~ Section 34-21.6 of this Code; ~~;~~
- (33) Section 2-3.196 of this Code;
- (34) Section 22-95 of this Code;
- (35) Section 34-18.62 of this Code; and
- (36) the Illinois Human Rights Act.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the State Board or Commission, then the charter school is its own local education agency.

(Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-702 but before amendment by P.A. 102-466)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. No later than January 1, 2021 (one year after the effective date of Public Act 101-291), a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs, including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor



shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;

(2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;

(3) the Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) the Abused and Neglected Child Reporting Act;

(5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

(7) Section 10-17a of this Code regarding school report cards;

(8) the P-20 Longitudinal Education Data System Act;

(9) Section 27-23.7 of this Code regarding bullying prevention;

(10) Section 2-3.162 of this Code regarding student discipline reporting;

(11) Sections 22-80 and 27-8.1 of this Code;

(12) Sections 10-20.60 and 34-18.53 of this Code;

(13) Sections 10-20.63 and 34-18.56 of this Code;

(14) Sections 22-90 and 26-18 of this Code;

(15) Section 22-30 of this Code;

(16) Sections 24-12 and 34-85 of this Code;

(17) the Seizure Smart School Act;

(18) Section 2-3.64a-10 of this Code;

(19) Sections 10-20.73 and 34-21.9 of this Code;

(20) Section 10-22.25b of this Code;

(21) Section 27-9.1a of this Code;

(22) Section 27-9.1b of this Code;

(23) Section 34-18.8 of this Code; ~~and~~

(25) Section 2-3.188 of this Code;

(26) Section 22-85.5 of this Code;

(27) ~~subsections~~ Subsections (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~

(28) Sections 10-20.83 and 34-18.78 of this Code; ~~;~~

~~(29) (27) Section 10-20.13 of this Code;~~

~~(30) (28) Section 28-19.2 of this Code; and~~

~~(31) (29) Section 34-21.6 of this Code; ~~;~~~~

~~(32) (25) Section 22-85.10 of this Code; ~~;~~~~

~~(33) Section 2-3.196 of this Code;~~

~~(34) Section 22-95 of this Code;~~

~~(35) Section 34-18.62 of this Code; and~~

~~(36) the Illinois Human Rights Act.~~

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof,

and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the State Board or Commission, then the charter school is its own local education agency.

(Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-466)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. No later than January 1, 2021 (one year after the effective date of Public Act 101-291), a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and

compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs, including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;

(2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;

(3) the Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) the Abused and Neglected Child Reporting Act;

(5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

(7) Section 10-17a of this Code regarding school report cards;

(8) the P-20 Longitudinal Education Data System Act;

(9) Section 27-23.7 of this Code regarding bullying prevention;

(10) Section 2-3.162 of this Code regarding student discipline reporting;

(11) Sections 22-80 and 27-8.1 of this Code;

(12) Sections 10-20.60 and 34-18.53 of this Code;

- (13) Sections 10-20.63 and 34-18.56 of this Code;
- (14) Sections 22-90 and 26-18 of this Code;
- (15) Section 22-30 of this Code;
- (16) Sections 24-12 and 34-85 of this Code;
- (17) the Seizure Smart School Act;
- (18) Section 2-3.64a-10 of this Code;
- (19) Sections 10-20.73 and 34-21.9 of this Code;
- (20) Section 10-22.25b of this Code;
- (21) Section 27-9.1a of this Code;
- (22) Section 27-9.1b of this Code;
- (23) Section 34-18.8 of this Code;
- (24) Article 26A of this Code; ~~and~~
- (25) Section 2-3.188 of this Code;
- (26) Section 22-85.5 of this Code;
- (27) ~~subsections~~ Subsections (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~
- (28) ~~Sections 10-20.83 and 34-18.78 of this Code;~~
- (29) ~~(27)~~ Section 10-20.13 of this Code;
- (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- (31) ~~(29)~~ Section 34-21.6 of this Code;
- (32) ~~(25)~~ Section 22-85.10 of this Code;
- (33) Section 2-3.196 of this Code;
- (34) Section 22-95 of this Code;
- (35) Section 34-18.62 of this Code; and
- (36) the Illinois Human Rights Act.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the State Board or Commission, then the charter school is its own local education agency.

(Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

(105 ILCS 5/34-18.62)

Sec. 34-18.62. Policies on discrimination and sexual harassment; prevention and response program.

(a) The school district must create, maintain, and implement an age-appropriate policy on sexual harassment that must be posted on the school district's website and, if applicable, any other area where policies, rules, and standards of conduct are currently posted in each school and must also be included in the school district's student code of conduct handbook.

(b) The school district must create, maintain, and implement a policy or policies prohibiting discrimination and harassment against students based on race, color, and national origin and prohibiting retaliation against students. Such policy or policies may be included as part of a broader anti-harassment or anti-discrimination policy provided they are distinguished with an appropriate title, heading, or label. The policy or policies adopted under this subsection (b) must comply with and be distributed in accordance with subsection (b) of Section 22-95 of this Code.

(c) The school district must establish procedures for responding to student complaints of discrimination and harassment based on race, color, or national origin, and retaliation. These procedures must comply with subsection (c) of Section 22-95 of this Code.

(Source: P.A. 101-418, eff. 1-1-20; 102-558, eff. 8-20-21.)

Section 15. The Illinois Human Rights Act is amended by changing Sections 1-102, 5-102.2, 5A-101, 5A-102, and 6-101 and by adding Sections 5A-103 and 5A-104 as follows:

(775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

Sec. 1-102. Declaration of Policy. It is the public policy of this State:

(A) Freedom from Unlawful Discrimination. To secure for all individuals within Illinois the freedom from discrimination based on ~~against any individual because of his or her~~ race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations, including in elementary, secondary, and higher education.

(B) Freedom from Sexual Harassment-Employment and Elementary, Secondary, and Higher Education. To prevent sexual harassment in employment and sexual harassment in elementary, secondary, and higher education.

(C) Freedom from Discrimination Based on Citizenship Status-Employment. To prevent discrimination based on citizenship status in employment.

(C-5) Freedom from Discrimination Based on Work Authorization Status-Employment. To prevent discrimination based on the specific status or term of status that accompanies a legal work authorization.

(D) Freedom from Discrimination Based on Familial Status or Source of Income-Real Estate Transactions. To prevent discrimination based on familial status or source of income in real estate transactions.

(E) Public Health, Welfare and Safety. To promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity, in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State.

(F) Implementation of Constitutional Guarantees. To secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970.

(G) Equal Opportunity, Affirmative Action. To establish Equal Opportunity and Affirmative Action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of State government and in their relations with the public.

(H) Unfounded Charges. To protect citizens of this State against unfounded charges of prohibited unlawful discrimination, sexual harassment in employment, real estate transactions, financial credit, and public accommodations, including and sexual harassment in elementary, secondary, and higher education; and discrimination based on citizenship status or work authorization status in employment.

(Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

(775 ILCS 5/5-102.2)

Sec. 5-102.2. Jurisdiction limited. In regard to places of public accommodation defined in paragraph (11) of Section 5-101, the jurisdiction under this Article of the Department is limited to: (1) the failure to enroll an individual; (2) the denial or refusal of full and equal enjoyment of facilities, goods, or services; or (3) severe or pervasive harassment of an individual when the covered entity fails to take corrective action to

stop the severe or pervasive harassment. This limitation on jurisdiction set forth in this Section does not apply to civil rights violations under Article 2, 3, 4, 5A, or 6.

(Source: P.A. 102-1102, eff. 1-1-23.)

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

Sec. 5A-101. Definitions. The following definitions are applicable strictly in the content of this Article, except that the term "sexual harassment in elementary, secondary, and higher education" as defined herein has the meaning herein ascribed to it whenever that term is used anywhere in this Act.

(A) Institution of Elementary, Secondary, or Higher Education. "Institution of elementary, secondary, or higher education" means: (1) a publicly or privately operated university, college, community college, junior college, business or vocational school, or other educational institution offering degrees and instruction beyond the secondary school level; or (2) a publicly or privately operated elementary school or secondary school.

(B) Degree. "Degree" means: (1) a designation, appellation, series of letters or words or other symbols which signifies or purports to signify that the recipient thereof has satisfactorily completed an organized academic, business or vocational program of study offered beyond the secondary school level; or (2) a designation signifying that the recipient has graduated from an elementary school or secondary school.

(C) Student. "Student" means any individual admitted to or applying for admission to an institution of elementary, secondary, or higher education, or enrolled on a full or part time basis in a course or program of academic, business or vocational instruction offered by or through an institution of elementary, secondary, or higher education.

(D) Elementary, Secondary, or Higher Education Representative. "Elementary, secondary, or higher education representative" means and includes the president, chancellor or other holder of any executive office on the administrative staff of an institution of higher education, an administrator of an elementary school or secondary school, a member of the faculty of an institution of higher education, including but not limited to a dean or associate or assistant dean, a professor or associate or assistant professor, and a full or part time instructor or visiting professor, including a graduate assistant or other student who is employed on a temporary basis of less than full time as a teacher or instructor of any course or program of academic, business or vocational instruction offered by or through an institution of higher education, and any teacher, instructor, or other employee of an elementary school or secondary school.

(E) Sexual Harassment in Elementary, Secondary, and Higher Education. "Sexual harassment in elementary, secondary, and higher education" means any unwelcome sexual advances or requests for sexual favors made by an elementary, secondary, or higher education representative to a student, or any conduct of a sexual nature exhibited by an elementary, secondary, or higher education representative toward a student, when such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment; or when the elementary, secondary, or higher education representative either explicitly or implicitly makes the student's submission to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct as a basis for determining:

(1) Whether the student will be admitted to an institution of elementary, secondary, or higher education;

(2) The educational performance required or expected of the student;

(3) The attendance or assignment requirements applicable to the student;

(4) To what courses, fields of study or programs, including honors and graduate programs, the student will be admitted;

(5) What placement or course proficiency requirements are applicable to the student;

(6) The quality of instruction the student will receive;

(7) What tuition or fee requirements are applicable to the student;

(8) What scholarship opportunities are available to the student;

(9) What extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;

(10) Any grade the student will receive in any examination or in any course or program of instruction in which the student is enrolled;

(11) The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled; or

(12) What degree, if any, the student will receive.

(F) Harassment in Elementary, Secondary, or Higher Education. "Harassment in elementary, secondary, or higher education" means any unwelcome conduct by an elementary, secondary or higher education representative toward a student on the basis of a student's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service that has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile, or offensive educational environment.

(G) Educational Environment. "Educational environment" includes conduct that occurs at school, school-related activities, or events, and may include conduct that occurs off school grounds, subject to applicable State and federal law.

(Source: P.A. 96-1319, eff. 7-27-10.)

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

Sec. 5A-102. Civil Rights Violations-Elementary, Secondary, and Higher Education. It is a civil rights violation:

(A) Sexual Harassment; Elementary, Secondary, or Higher Education Representative. For any elementary, secondary, or higher education representative to commit or engage in sexual harassment in elementary, secondary, or higher education.

(B) Sexual Harassment; Institution of Elementary, Secondary, or Higher Education. For any institution of elementary, secondary, or higher education to fail to take remedial action, or to fail to take appropriate disciplinary action against an elementary, secondary, or higher education representative employed by such institution, when such institution knows that such elementary, secondary, or higher education representative was committing or engaging in or committed or engaged in sexual harassment in elementary, secondary, or higher education.

(C) Harassment; Elementary, Secondary, or Higher Education Representative. For any elementary, secondary, or higher education representative to commit or engage in harassment in elementary, secondary, or higher education.

(D) Harassment; Institution of Elementary, Secondary, or Higher Education. For any institution of elementary, secondary, or higher education to fail to take appropriate corrective action to stop harassment if the institution knows that an elementary, secondary, or higher education representative was committing or engaging in or committed or engaged in harassment in elementary, secondary, or higher education.

(E) Failure to Report. For any school district established under the School Code or institutions of elementary or secondary education covered by this Act to fail to disclose information as required by Section 2-3.196 of the School Code.

(F) Exemptions. Nothing in Article 5A shall be construed to limit jurisdiction under Section 5-102.2. Subsections (C), (D), and (E) shall apply solely to nonsectarian institutions of elementary, secondary or higher education and elementary, secondary, or higher education representatives employed by such nonsectarian institutions.

(Source: P.A. 96-574, eff. 8-18-09; 96-1319, eff. 7-27-10.)

(775 ILCS 5/5A-103 new)

Sec. 5A-103. Discrimination and harassment based on race, color, or national origin; and retaliation.

(a) The General Assembly finds that harassment and discrimination based on race, color, or national origin has a detrimental influence in schools, contributing to psychological and physical harm and poorer academic outcomes for students of color, and higher rates of teacher turnover among teachers of color. It is the General Assembly's intent that each institution of elementary and secondary education in the State adopt and actively implement policies to reduce and respond effectively to harassment and discrimination based on race, color, or national origin; to provide students, parents or guardians, and employees information on how to recognize and report harassment and discrimination; and, for students, parents or guardians, and employees, to report harassment and discrimination based on race, color, or national origin without fear of retaliation, loss of status, or loss of opportunities.

(b) The Department shall produce a model training program aimed at the prevention of discrimination and harassment based on race, color, and national origin in institutions of elementary and secondary education. The model program shall be made available to institutions of elementary and secondary education and to the public online at no cost. This model program shall regard participants as potential bystanders, rather than potential offenders, and include, at a minimum, the following:

(1) a primary focus on preventing discrimination and harassment based on race, color, or national origin and retaliation;

(2) an explanation of discrimination and harassment based on race, color, or national origin and retaliation;

(3) examples of conduct that constitutes discrimination and harassment based on race, color, or national origin and retaliation;

(4) an explanation, with examples, of how patterns of conduct can, taken together over time, rise to the level of bullying, harassment, or discrimination;

(5) an explanation of the difference between discrimination based on disparate treatment and discrimination based on disparate impact;

(6) a summary of other classes that are protected from harassment and discrimination, and a statement that training intended to improve recognition of discrimination and harassment based on race, color, and national origin does not diminish protections under the law for other protected classes;

(7) an explanation of the difference between harassment as defined under this Act and bullying;

(8) a summary of relevant federal and State statutory protections and remedies available to victims concerning discrimination and harassment based on race, color, and national origin, and retaliation, including, but not limited to, a summary of this Act's protections from discrimination, harassment and retaliation in the following contexts:

(a) students toward other students;

(b) teachers and other employees of an elementary or secondary school toward students;

(c) students toward teachers and other employees of an elementary or secondary school;

and

(d) teachers and other employees of an elementary or secondary school toward other teachers and employees of an elementary or secondary school.

(9) directions on how to contact the Department if a school fails to take corrective action to stop the harassment or discrimination;

(10) a summary of responsibilities of institutions of elementary or secondary education in the prevention, investigation, and corrective measures of discrimination, harassment, and retaliation, including, but not limited to, explanation of responsibilities in the following contexts:

(a) students toward other students;

(b) teachers and other employees of an elementary or secondary school toward students;

(c) students toward teachers and other employees of an elementary or secondary school;

and

(d) teachers and other employees of an elementary or secondary school toward other teachers and employees of an elementary or secondary school; and

(11) an explanation of the liability for discrimination, harassment, and retaliation under this Act.

(c) Every institution of elementary or secondary education in this State shall use the model training program developed by the Department, establish its own training program that equals or exceeds the minimum standards set forth in subsection (b), or use an existing discrimination and harassment prevention training program that equals or exceeds the minimum standards set forth in subsection (b). The training program shall be provided as a component of all new employee training programs for elementary and secondary education representatives and to existing representatives at least once every 2 years. For the purposes of satisfying the requirements under this Section, the Department's model program may be used to supplement any existing program an institution of elementary or secondary education is utilizing or develops.

(d) Upon notification of a violation of subsection (c), the Department may launch a preliminary investigation. If the Department finds a violation of this Section, the Department may issue a notice to show cause, giving the institution of elementary or secondary education 30 days to correct the violation. If the institution of elementary or secondary education does not correct the violation within 30 days, the Department may initiate a charge of a civil rights violation.

(775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

Sec. 6-101. Additional civil rights violations under Articles 2, 4, 5, and 5A, and 6. It is a civil rights violation for a person, or for 2 or more persons, to conspire to:

(A) Retaliation. Retaliate against a person because that person ~~he or she~~ has:

(i) opposed or reported conduct that the person ~~that which he or she~~ reasonably and in good faith believes to be prohibited ~~unlawful discrimination, sexual harassment in employment,~~



~~sexual harassment in elementary, secondary, and higher education, or discrimination based on arrest record, citizenship status, or work authorization status in employment under Articles 2, 4, 5, and 5A, and 6; because he or she has~~

(ii) made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act; ~~or because he or she has~~

(iii) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by this Act;

(B) Aiding and Abetting; Coercion. Aid, abet, compel, or coerce a person to commit any violation of this Act;

(C) Interference. Wilfully interfere with the performance of a duty or the exercise of a power by the Commission or one of its members or representatives or the Department or one of its officers or employees.

~~Definitions. For the purposes of this Section, "sexual harassment", "citizenship status", and "work authorization status" shall have the same meaning as defined in Section 2-101 of this Act.~~

(Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22; 102-813, eff. 5-13-22.)

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

Section 99. Effective date. This Act takes effect August 1, 2024."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

## READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Villivalam, **House Bill No. 2068** having been printed, was taken up and read by title a second time.

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

### AMENDMENT NO. 1 TO HOUSE BILL 2068

AMENDMENT NO. 1. Amend House Bill 2068 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Transportation Benefits Program Act.

Section 5. Definitions. As used in this Act:

"Covered employee" means any person who performs an average of at least 35 hours of work per week for compensation on a full-time basis.

"Covered employer" means any individual, partnership, association, corporation, limited liability company, government, non-profit organization, or business trust that directly or indirectly, or through an agent or any other person, employs or exercises control over wages, hours, or working conditions of an employee, and that:

(1) is located in: Cook County; Warren Township in Lake County; Grant Township in Lake County; Frankfort Township in Will County; Wheatland Township in Will County; Addison Township; Bloomingdale Township; York Township; Milton Township; Winfield Township; Downers Grove Township; Lisle Township; Naperville Township; Dundee Township; Elgin Township; St. Charles Township; Geneva Township; Batavia Township; Aurora Township; Zion Township; Benton Township; Waukegan Township; Avon Township; Libertyville Township; Shields Township; Vernon

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Township; West Deerfield Township; Deerfield Township; McHenry Township; Nunda Township; Algonquin Township; DuPage Township; Homer Township; Lockport Township; Plainfield Township; New Lenox Township; Joliet Township; or Troy Township; and

(2) employs 50 or more covered employees in a geographic area specified in paragraph (1) at an address that is located within one mile of fixed-route transit service.

"Public transit" means any transportation system within the authority and jurisdiction of the Regional Transportation Authority.

"Transit pass" means any pass, token, fare card, voucher, or similar item entitling a person to transportation on public transit.

Section 10. Transportation benefits program. All covered employers shall provide a pre-tax commuter benefit to covered employees. The pre-tax commuter benefit shall allow employees to use pre-tax dollars for the purchase of a transit pass, via payroll deduction, such that the costs for such purchases may be excluded from the employee's taxable wages and compensation up to the maximum amount permitted by federal tax law, consistent with 26 U.S.C. 132(f) and the rules and regulations promulgated thereunder. A covered employer may comply with this Section by participating in a program offered by the Chicago Transit Authority or the Regional Transportation Authority.

This benefit must be offered to all employees starting on the employees' first full pay period after 120 days of employment. All transit agencies shall market the existence of this program and this Act to their riders in order to inform affected employees and their employers.

Section 15. Regional Transit Authority map. The Regional Transportation Authority shall make publicly available a searchable map of addresses that are located within one mile of fixed-route transit service.

Section 20. Application of Act. Nothing in this Act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum standards of the provisions of this Act. Nothing in this Act shall be deemed to affect the validity or change the terms of bona fide collective bargaining agreements in force on the effective date of this Act. After the effective date of this Act, requirements of this Act may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

Section 99. Effective date. This Act takes effect January 1, 2024."

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

On motion of Senator Castro, **House Bill No. 1602** having been printed, was taken up, read by title a second time and ordered to a third reading.

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Johnson, **House Bill No. 439** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Aquino	Gillespie	Martwick	Stoller
Belt	Glowiak Hilton	McClure	Syverson

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Bennett	Halpin	McConchie	Tracy
Bryant	Harriss, E.	Morrison	Turner, D.
Castro	Hastings	Murphy	Turner, S.
Cervantes	Holmes	Pacione-Zayas	Ventura
Chesney	Hunter	Plummer	Villa
Curran	Johnson	Porfirio	Villanueva
DeWitte	Jones, E.	Preston	Villivalam
Edly-Allen	Joyce	Rezin	Wilcox
Ellman	Koehler	Rose	Mr. President
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Villanueva, **House Bill No. 1120** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 36; NAYS 19.

The following voted in the affirmative:

Aquino	Halpin	Martwick	Turner, D.
Belt	Hastings	Morrison	Ventura
Castro	Holmes	Murphy	Villa
Cervantes	Hunter	Pacione-Zayas	Villanueva
Edly-Allen	Johnson	Peters	Villivalam
Ellman	Jones, E.	Porfirio	Mr. President
Faraci	Joyce	Preston	
Fine	Koehler	Simmons	
Gillespie	Lightford	Sims	
Glowiak Hilton	Loughran Cappel	Stadelman	

The following voted in the negative:

Anderson	DeWitte	McConchie	Syverson
Bennett	Fowler	Plummer	Tracy
Bryant	Harriss, E.	Rezin	Turner, S.
Chesney	Lewis	Rose	Wilcox
Curran	McClure	Stoller	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Glowiak Hilton, **House Bill No. 1123** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Sims
Aquino	Gillespie	Martwick	Stadelman
Belt	Glowiak Hilton	McClure	Stoller
Bennett	Halpin	McConchie	Syverson
Bryant	Harriss, E.	Morrison	Tracy
Castro	Hastings	Murphy	Turner, D.
Cervantes	Holmes	Pacione-Zayas	Turner, S.
Chesney	Hunter	Peters	Ventura
Curran	Johnson	Plummer	Villa
DeWitte	Jones, E.	Porfirio	Villanueva
Edly-Allen	Joyce	Preston	Villivalam
Ellman	Koehler	Rezin	Wilcox
Faraci	Lewis	Rose	Mr. President
Fine	Lightford	Simmons	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Gillespie, **House Bill No. 1155** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 49; NAYS 2.

The following voted in the affirmative:

Aquino	Gillespie	Loughran Cappel	Sims
Belt	Glowiak Hilton	Martwick	Stadelman
Bennett	Halpin	McClure	Stoller
Castro	Harriss, E.	McConchie	Syverson
Cervantes	Hastings	Morrison	Turner, D.
Chesney	Holmes	Murphy	Turner, S.
Curran	Hunter	Pacione-Zayas	Villa
DeWitte	Johnson	Peters	Villanueva
Edly-Allen	Jones, E.	Plummer	Villivalam
Ellman	Joyce	Porfirio	Mr. President
Faraci	Koehler	Preston	
Fine	Lewis	Rezin	
Fowler	Lightford	Simmons	

The following voted in the negative:

Rose  
Wilcox

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Villivalam, **House Bill No. 1187** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Aquino	Gillespie	Martwick	Stoller
Belt	Glowiak Hilton	McConchie	Syverson
Bennett	Halpin	Morrison	Tracy
Bryant	Harriss, E.	Murphy	Turner, D.
Castro	Hastings	Pacione-Zayas	Turner, S.
Cervantes	Holmes	Peters	Ventura
Chesney	Hunter	Plummer	Villa
Curran	Johnson	Porfirio	Villanueva
DeWitte	Jones, E.	Preston	Villivalam
Edly-Allen	Joyce	Rezin	Wilcox
Ellman	Koehler	Rose	Mr. President
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Murphy, **House Bill No. 1197** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 42; NAYS 12.

The following voted in the affirmative:

Aquino	Gillespie	Lightford	Sims
Belt	Glowiak Hilton	Loughran Cappel	Stadelman
Castro	Halpin	Martwick	Stoller
Cervantes	Hastings	McConchie	Turner, D.
Curran	Holmes	Morrison	Ventura
DeWitte	Hunter	Murphy	Villa
Edly-Allen	Johnson	Pacione-Zayas	Villanueva
Ellman	Jones, E.	Peters	Villivalam
Faraci	Joyce	Porfirio	Mr. President
Fine	Koehler	Preston	
Fowler	Lewis	Simmons	

The following voted in the negative:

Anderson	McClure	Syverson
Bryant	Plummer	Tracy
Chesney	Rezin	Turner, S.
Harriss, E.	Rose	Wilcox

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Loughran Cappel, **House Bill No. 1291** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Sims
Aquino	Gillespie	Martwick	Stadelman
Belt	Glowiak Hilton	McClure	Stoller
Bennett	Halpin	McConchie	Syverson
Bryant	Harriss, E.	Morrison	Tracy
Castro	Hastings	Murphy	Turner, D.
Cervantes	Holmes	Pacione-Zayas	Turner, S.
Chesney	Hunter	Peters	Ventura
Curran	Johnson	Plummer	Villa
DeWitte	Jones, E.	Porfirio	Villanueva
Edly-Allen	Joyce	Preston	Villivalam
Ellman	Koehler	Rezin	Wilcox
Faraci	Lewis	Rose	Mr. President
Fine	Lightford	Simmons	

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

Ordered that the Secretary inform the House of Representatives thereof.

#### HOUSE BILL RECALLED

On motion of Senator Cervantes, **House Bill No. 1378** was recalled from the order of third reading to the order of second reading.

Senator Cervantes offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 1378

AMENDMENT NO. 1. Amend House Bill 1378 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the Illinois Graduate and Retain Our Workforce (iGROW) Tech Law.

Section 5. The State Finance Act is amended by adding Section 5.990 as follows:

(30 ILCS 105/5.990 new)

Sec. 5.990. The Illinois Graduate and Retain Our Workforce (iGROW) Tech Scholarship Fund.

Section 10. The Higher Education Student Assistance Act is amended by adding Section 65.120 as follows:

(110 ILCS 947/65.120 new)

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Sec. 65.120. iGROW Tech Scholarship Program.

(a) As used in this Section:

"Eligible applicant" means a student who has graduated from high school or has received a State of Illinois High School Diploma, who has maintained a cumulative grade point average of no less than 2.5 on a 4.0 scale, who is pursuing or intends to pursue a qualifying degree in a qualified institution, and who is entitled to apply for assistance under this Section.

"Full-time" means the number of credit hours the Commission determines is full-time enrollment for a student for purposes of the program created under this Section.

"Minority student" has the same meaning as the term is defined under Section 50 of the Higher Education Student Assistance Act (110 ILCS 947).

"Program" means the iGROW Tech Scholarship Program created under this Section.

"Qualifying degree" means an associate or a bachelor's degree granted by a qualified institution in the field of computer information sciences; information technology; information science; computer science; computer systems networking and telecommunications; computer and information systems security or information assurance, including cybersecurity; or management information systems.

"Qualifying job" means a job with an employer in this State performing work that is directly related to the field of study that qualified the candidate for assistance under this Section.

"Qualified student" means a person (i) who is a resident of this State; (ii) who, as an eligible applicant, has made a timely application for an iGROW tech scholarship under this Section; (iii) who is enrolled on at least a half-time basis at a qualified institution; (iv) who is enrolled in a course of study in the field of computer and information sciences; information technology; information science; computer science; computer systems networking and telecommunications; computer and information systems security or information assurance, including cybersecurity; or management information systems; (v) who maintains a grade point average of no less than a 2.5 on a 4.0 scale; and (vi) who continues to advance satisfactorily toward the attainment of a degree.

"Recipient" means an Illinois resident enrolled in a qualified institution who receives an award under this Section.

(b) Subject to appropriation, and no sooner than the 2024-2025 academic year, there is established the Illinois Graduate and Retain Our Workforce (iGROW) Tech Scholarship Program to recruit and train individuals to work in technology jobs that have a high demand for new employees and offer high wages by awarding scholarships.

(c) Each iGROW tech scholarship awarded under this Section shall be determined by the Commission in an amount up to and including the full costs of tuition and fees and room and board of the qualified institution at which the recipient is enrolled if the institution is public, or an equivalent rate established by the Commission for private institutions. The total amount of iGROW tech scholarship assistance awarded by the Commission under this Section to an eligible applicant in any given fiscal year, when added to other financial assistance awarded to that individual for that year, shall not exceed the cost of attendance at the institution at which the student is enrolled. If the amount of financial assistance to be awarded to a qualified student exceeds the cost of attendance at the institution at which the student is enrolled, the iGROW tech scholarship shall be reduced by an amount equal to the amount by which the combined financial assistance available to the student exceeds the cost of attendance.

(d) The maximum number of academic terms for which a qualified student can receive iGROW tech scholarship assistance shall be 8 semesters or 12 quarters.

(e) All applications for scholarships awarded under this Section shall be made to the Commission on forms which the Commission shall provide for eligible applicants. The form of applications and the information required to be set forth therein shall be determined by the Commission, and the Commission shall require eligible applicants to submit with their applications such supporting documents or recommendations as the Commission deems necessary.

(f) Subject to appropriation for such purposes, payment of any iGROW tech scholarship awarded under this Section shall be determined by the Commission. All scholarship funds distributed in accordance with this subsection shall be paid to the qualified institution and used only for payment of the tuition and fees assessed by the institution and the standard housing and food allowance used for all undergraduate students by the qualified student in connection with his or her attendance at a qualified institution.

Any iGROW tech scholarship awarded under this Section shall be applicable to 2 semesters or 3 quarters of enrollment annually. The qualified institution can only request payment for tuition and fees up to the amount of actual tuition and fee expenses incurred.

If a student withdraws after the expiration of the tuition refund or withdrawal adjustment period, the student may receive payment for tuition and fees incurred up to the term award. The housing and food allowance shall be prorated based on the qualified institution's return of funds policy.

(g) Prior to receiving scholarship assistance for any academic year, each recipient of an iGROW tech scholarship awarded under this Section shall be required by the Commission to sign an agreement under which the recipient pledges that the recipient (i) shall work in the State in a qualified job for a period of not less than one year for each year of scholarship assistance he or she was awarded under this Section; however, in no event shall he or she agree to work in the State in a qualified job for a period of less than 2 years; and (ii) shall, upon request by the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the agreement provided for in this subsection.

If a recipient of an iGROW tech scholarship awarded under this Section fails to fulfill the obligations set forth in this subsection, the Commission shall require the recipient to repay the amount of the scholarships received, prorated according to the fraction of the employment obligation not completed, at a rate of interest equal to 5%, and, if applicable, reasonable collection fees. The Commission is authorized to establish rules relating to its collection activities for repayment of scholarships under this Section. All repayments collected under this Section shall be forwarded to the State Comptroller for deposit into the State's General Revenue Fund.

A recipient of an iGROW tech scholarship shall not be considered in violation of the agreement entered into pursuant to this subsection if the recipient (I) enrolls on a full-time basis as a graduate student in a course of study related to the technology degree for which he or she qualified for the iGROW tech scholarship at a qualified institution; (II) is serving, not in excess of 3 years, as a member of the armed services of the United States; (III) is a person with a temporary total disability for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician; (IV) is seeking and unable to find full-time employment with a State employer that satisfies the criteria set forth in this subsection and is able to provide evidence of that fact; (V) becomes a person with a permanent total disability as established by sworn affidavit of a qualified physician; or (VI) meets any other criteria that the Commission may deem necessary.

(h) Scholarship recipients under this Section who withdraw from a program of computer science or other related major area of study provided under this Section but remain enrolled in school to continue their postsecondary studies in another academic discipline shall not be required to commence repayment of their iGROW tech scholarship so long as they remain enrolled in school on a full-time basis or if they can document for the Commission special circumstances that warrant extension of repayment.

(i) If the Program does not expend at least 90% of the amount appropriated for the Program in a given fiscal year for 3 consecutive fiscal years on or before January 1 in each of those fiscal years, then up to 3% of amount appropriated for the Program for each of next 3 fiscal years shall be allocated to increasing awareness of the program.

(j) The Commission shall administer the Program and shall make all necessary and proper rules not inconsistent with this Section for its effective implementation.

(k) The Commission shall establish a methodology for prioritizing applications from applicants who demonstrate a financial need or hardship, applications from minority students, and applications from applicants demonstrating academic excellence. After the first academic year that the Program operates, the Commission shall prioritize the applications of those applicants who received a scholarship under this Section during the prior academic year and who remain eligible for a scholarship under this Section.

(l) Each fiscal year, the Commission may use up to 5% of money appropriated for the Program for administration.

(m) Scholarships may be made under this Section through the 2029-30 academic year.

(n) The Illinois Graduate and Retain Our Workforce (iGROW) Tech Scholarship Fund is created as a special fund in the State treasury. Moneys in the fund may come from both public entities and institutional, organizational, or other private entities. All money in the Fund shall be used, subject to appropriation, by the Commission to implement and administer the Program pursuant to this Section.

Section 99. Effective date. This Act takes effect January 1, 2024."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

[May 10, 2023]



**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Cervantes, **House Bill No. 1378** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Sims
Aquino	Gillespie	Martwick	Stadelman
Belt	Glowiak Hilton	McClure	Stoller
Bennett	Halpin	McConchie	Syverson
Bryant	Harriss, E.	Morrison	Tracy
Castro	Hastings	Murphy	Turner, D.
Cervantes	Holmes	Pacione-Zayas	Turner, S.
Chesney	Hunter	Peters	Ventura
Curran	Johnson	Plummer	Villa
DeWitte	Jones, E.	Porfirio	Villanueva
Edly-Allen	Joyce	Preston	Villivalam
Ellman	Koehler	Rezin	Wilcox
Faraci	Lewis	Rose	Mr. President
Fine	Lightford	Simmons	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Hunter, **House Bill No. 1526** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Aquino	Gillespie	Martwick	Stoller
Belt	Glowiak Hilton	McClure	Syverson
Bennett	Halpin	Morrison	Tracy
Bryant	Harriss, E.	Murphy	Turner, D.
Castro	Hastings	Pacione-Zayas	Turner, S.
Cervantes	Holmes	Peters	Ventura
Chesney	Hunter	Plummer	Villa
Curran	Johnson	Porfirio	Villanueva
DeWitte	Jones, E.	Preston	Villivalam
Edly-Allen	Joyce	Rezin	Wilcox
Ellman	Koehler	Rose	Mr. President
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Morrison, **House Bill No. 1540** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 42; NAYS 11.

The following voted in the affirmative:

Aquino	Glowiak Hilton	Loughran Cappel	Sims
Belt	Halpin	Martwick	Stadelman
Bryant	Harriss, E.	McClure	Tracy
Castro	Hastings	Morrison	Turner, D.
Cervantes	Hunter	Murphy	Ventura
Curran	Johnson	Pacione-Zayas	Villa
Edly-Allen	Jones, E.	Peters	Villanueva
Ellman	Joyce	Porfirio	Villivalam
Faraci	Koehler	Preston	Mr. President
Fine	Lewis	Rezin	
Gillespie	Lightford	Simmons	

The following voted in the negative:

Anderson	DeWitte	Plummer	Syverson
Bennett	Fowler	Rose	Turner, S.
Chesney	McConchie	Stoller	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Glowiak Hilton, **House Bill No. 1633** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 44; NAYS 8.

The following voted in the affirmative:

Aquino	Halpin	McClure	Tracy
Belt	Harris, N.	McConchie	Turner, D.
Castro	Hastings	Morrison	Ventura
Cervantes	Holmes	Murphy	Villa
Chesney	Hunter	Pacione-Zayas	Villanueva
Edly-Allen	Johnson	Peters	Villivalam
Ellman	Jones, E.	Porfirio	Wilcox
Faraci	Joyce	Preston	Mr. President
Fine	Koehler	Rezin	
Fowler	Lightford	Simmons	
Gillespie	Loughran Cappel	Sims	

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Glowiak Hilton                      Martwick                                      Stadelman

The following voted in the negative:

Anderson	Lewis	Stoller
Bennett	Plummer	Syverson
Bryant	Rose	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

### HOUSE BILL RECALLED

On motion of Senator E. Harriss, **House Bill No. 1767** was recalled from the order of third reading to the order of second reading.

Senator E. Harriss offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 1767

AMENDMENT NO. 1 . Amend House Bill 1767 by replacing everything after the enacting clause with the following:

"Section 5. The State Universities Civil Service Act is amended by changing Section 36f as follows:  
(110 ILCS 70/36f) (from Ch. 24 1/2, par. 38b5)

Sec. 36f. Examinations.

(a) All examinations given under the University System shall be open to all applicants who are citizens of or residents in the State of Illinois and who can qualify by training and experience for the position for which application is made. In examinations for technical positions for which no qualified residents of this State are available the residence requirement may be waived. In examinations for law enforcement personnel, the residence requirement shall be waived.

(b) Examinations may be written; oral; by statement of training and experience; in the form of tests of knowledge, skill, capacity, intellect, or aptitude; or by any other method which, in the judgment of the Merit Board, is reasonable and practical for any particular classification. The examinations shall be practical and shall relate to the classification for which the examination is given. No question in any examination shall relate to political or religious affiliation or racial origins of the examinee.

(c) Different examining procedures may be determined for the examinations in different classifications, but all examinations in the same classification must be uniform. The examination requirement for the initial appointment, entry level position only, of law enforcement personnel may be waived if an applicant has satisfied all the requirements established by the Illinois Police Training Act for appointment of law enforcement officers and if the Merit Board allows for such a waiver by rule. Additional positions, entry level only, may have the examination requirement waived if the occupational standards are regulated by the Department of Financial and Professional Regulation, as designated by the Merit Board and provided for in adopted rules.

(Source: P.A. 100-615, eff. 1-1-19)."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

### READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator E. Harriss, **House Bill No. 1767** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Glowiak Hilton	McClure	Stoller
Aquino	Halpin	McConchie	Syverson
Belt	Harris, N.	Morrison	Tracy
Bennett	Harriss, E.	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Castro	Holmes	Peters	Ventura
Cervantes	Hunter	Plummer	Villa
Curran	Johnson	Porfirio	Villanueva
DeWitte	Jones, E.	Preston	Villivalam
Edly-Allen	Joyce	Rezin	Wilcox
Ellman	Koehler	Rose	Mr. President
Faraci	Lightford	Simmons	
Fine	Loughran Cappel	Sims	
Gillespie	Martwick	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

### HOUSE BILL RECALLED

On motion of Senator Villa, **House Bill No. 2039** was recalled from the order of third reading to the order of second reading.

Senator Villa offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 2039

AMENDMENT NO. 2. Amend House Bill 2039, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Access to Public Health Data Act.

Section 5. Definition. In this Act, "public health data" includes, but is not limited to, birth and death certificate data, hospital discharge data, adverse pregnancy outcomes reporting system (APORS) data, cancer registry data, syndromic surveillance data, and prescription monitoring program (PMP) data.

Section 10. Access to public health data; certified local health departments; safeguards.

(a) Notwithstanding any other provision of State law to the contrary, the Department of Public Health, the Department of Human Services, and the Department of Healthcare and Family Services shall, at the request of a certified local health department in this State, make any and all public health data related to residents of that certified local health department's jurisdiction available to that certified local health department for the purposes of preventing or controlling disease, injury, or disability. The commissioner, executive director, chief operating officer, chief medical officer, or equivalent executive leader of a certified local health department has express authority to request and receive such data.

(b) A certified local health department shall have access to data under this Act only for the purposes identified in this Act. The Department of Public Health, the Department of Human Services, the Department of Healthcare and Family Services, and the requesting certified local health department shall protect the privacy and security of data obtained under this Act in accordance with applicable federal and State law and shall apply appropriate administrative, physical, and technical safeguards to ensure the privacy and security

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of the data and protect the data from unauthorized access, use, or disclosure. Appropriate safeguards include, but are not limited to, authentication and authorization of users prior to gaining access to data obtained under this Act.

(c) A certified local health department shall apply appropriate controls to ensure that access to data under this Act is provided on a minimum, necessary basis and limited to only those persons whose public health duties and responsibilities require such access. Any data obtained under this Act and in the possession of a certified local health department shall be exempt from inspection and copying under subsection (pp) of Section 7 of the Freedom of Information Act. Any data obtained under this Act shall not be admissible as evidence nor discoverable in any action of any kind in any court or before any tribunal, board, agency, or person. The access to or disclosure of any information or data by a certified local health department under this Act shall not waive or have any effect upon its nondiscoverability or inadmissibility. The identity of any individual identified in data obtained under this Act shall be confidential and shall not be disclosed publicly or in any action of any kind.

Section 15. Data use agreements. A disclosing State department and the requesting certified local health department shall enter into a data use agreement to ensure appropriate, effective, and efficient use of data obtained under this Act by the certified local health department, though no data use agreement shall, in a manner inconsistent with the purpose or requirements of this Act, impede certified local health department access to any public health data available to the Department of Public Health, the Department of Human Services, or the Department of Healthcare and Family Services, nor shall it require indemnification as a prerequisite to access. Each disclosing State department or agency shall execute a single master data use agreement that includes all data sets and is in accordance with the applicable laws, rules, and regulations pertaining to the specific data being requested. Master data use agreements shall include, at a minimum, data content, format, method of transfer, analytic and statistical methods, scope of use, and requirements for safeguarding the data under State and federal law. Pursuant to 77 Ill. Adm. Code 600.300, the executive officer of each certified local health department shall execute all master data use agreements. The State department or agency may require the names of any authorized users who will access or use the data provided. Each certified local health department shall be required to enter into applicable master data use agreements with each disclosing State department or agency to obtain requested data. Certified local health departments shall not be required to enter into any master data use agreement unless they are requesting subject data. Furthermore, all State departments or agencies shall enter into interdepartmental agreements with other State departments or agencies to share applicable data with eligible certified local health departments if necessary. Any data shared between State departments and agencies that is requested by a certified local health department shall be reviewed and approved by the State department or agency providing the data to ensure that all disclosures are made in accordance with procedures set forth in the data use agreements.

Section 20. Latest available data. The Department of Public Health, the Department of Human Services, and the Department of Healthcare and Family Services must provide the latest available data for each certified local health department within 120 business days after completion of the applicable master data use agreement, except to the extent prohibited by current technology.

Section 25. Rules. The Department of Public Health, the Department of Human Services, and the Department of Healthcare and Family Services may adopt any rules necessary to implement this Act.

Section 900. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7)

(Text of Section before amendment by P.A. 102-982)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an

administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys, and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or ~~self-insurance self-insurance~~ (including any intergovernmental risk management association or ~~self-insurance self-insurance~~ pool) claims, loss or risk management information, records, data, advice, or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment,



to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under ~~Section~~ ~~Sections~~ 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

~~(nn)~~ ~~(mm)~~ Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.

~~(oo)~~ ~~(mm)~~ Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20; 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic crashes, traffic crash reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys, and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as

may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or ~~self-insurance~~ ~~self-insurance~~ (including any intergovernmental risk management association or ~~self-insurance~~ ~~self-insurance~~ pool) claims, loss or risk management information, records, data, advice, or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under ~~Section Sections~~ 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

(nn) ~~(mm)~~ Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.

(oo) ~~(mm)~~ Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(pp) Information obtained by a certified local health department under the Access to Public Health Data Act.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20; 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff. 6-10-22; revised 12-13-22.)

Section 905. The Vital Records Act is amended by changing Section 24 as follows:

(410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

Sec. 24. (1) To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the vital records system, access to vital records, and indexes thereof, including vital records in the custody of local registrars and county clerks originating prior to January 1, 1916, is limited to the custodian and his employees, and then only for administrative purposes, except that the indexes of those records in the custody of local registrars and county clerks, originating prior to January 1, 1916, shall be made available to persons for the purpose of genealogical research. Original, photographic or microphotographic reproductions of original records of births 100 years old and older and deaths 50 years old and older, and marriage records 75 years old and older on file in the State Office of Vital Records and in the custody of the county clerks may be made available for inspection in the Illinois State Archives reference area, Illinois Regional Archives Depositories, and other libraries approved by the Illinois State Registrar and the Director of the Illinois State Archives, provided that the photographic or microphotographic copies are made at no cost to the county or to the State of Illinois. It is unlawful for any custodian to permit inspection of, or to disclose information contained in, vital records, or to copy or permit to be copied, all or part of any such record except as authorized by this Act or regulations adopted pursuant thereto.

(2) The State Registrar of Vital Records, or his agent, and any municipal, county, multi-county, public health district, or regional health officer recognized by the Department may examine vital records for the purpose only of carrying out the public health programs and responsibilities under his jurisdiction.

(3) The State Registrar of Vital Records, may disclose, or authorize the disclosure of, data contained in the vital records when deemed essential for bona fide research purposes which are not for private gain.

This amendatory Act of 1973 does not apply to any home rule unit.

(4) The State Registrar shall exchange with the Department of Healthcare and Family Services information that may be necessary for the establishment of paternity and the establishment, modification, and enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Illinois Parentage Act of 1984, or the Illinois Parentage Act of 2015. Notwithstanding any provisions in this Act to the contrary, the State Registrar shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this subsection or for any other action taken in good faith to comply with the requirements of this subsection.

(5) No rule adopted by the Department shall be construed, either explicitly or implicitly, as restricting access to vital records by any municipality, county, multicounty, public health district, or regional health officer recognized by the Department for the purposes described in subsections (2) and (3).

(Source: P.A. 99-85, eff. 1-1-16.)

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 999. Effective date. This Act takes effect January 1, 2024."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Villa, **House Bill No. 2039** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 37; NAYS 18.

The following voted in the affirmative:

Aquino	Halpin	Loughran Cappel	Stadelman
Belt	Harris, N.	Martwick	Turner, D.
Castro	Hastings	Morrison	Ventura
Cervantes	Holmes	Murphy	Villa
Edly-Allen	Hunter	Pacione-Zayas	Villanueva
Ellman	Johnson	Peters	Villivalam
Faraci	Jones, E.	Porfirio	Mr. President
Fine	Joyce	Preston	
Gillespie	Koehler	Simmons	
Glowiak Hilton	Lightford	Sims	

The following voted in the negative:

Anderson	Fowler	Plummer	Tracy
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Bennett	Harriss, E.	Rezin	Turner, S.
Bryant	Lewis	Rose	Wilcox
Chesney	McClure	Stoller	
DeWitte	McConchie	Syverson	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Johnson, **House Bill No. 2040** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Villanueva, **House Bill No. 2041** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Loughran Cappel	Sims
Aquino	Glowiak Hilton	Martwick	Stadelman
Belt	Halpin	McClure	Stoller
Bennett	Harris, N.	McConchie	Syverson
Bryant	Harriss, E.	Morrison	Tracy
Castro	Hastings	Murphy	Turner, D.
Cervantes	Holmes	Pacione-Zayas	Turner, S.
Curran	Hunter	Peters	Ventura

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DeWitte	Johnson	Plummer	Villa
Edly-Allen	Jones, E.	Porfirio	Villanueva
Ellman	Joyce	Preston	Villivalam
Faraci	Koehler	Rezin	Wilcox
Fine	Lewis	Rose	Mr. President
Fowler	Lightford	Simmons	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Koehler, **House Bill No. 2043** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Villivalam, **House Bill No. 2235** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.

Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hastings, **House Bill No. 2245** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Peters, **House Bill No. 2248** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 34; NAYS 19.

The following voted in the affirmative:

Aquino	Halpin	Martwick	Stadelman
Belt	Harris, N.	Morrison	Turner, D.

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Castro	Hastings	Murphy	Ventura
Cervantes	Hunter	Pacione-Zayas	Villa
Edly-Allen	Johnson	Peters	Villanueva
Ellman	Jones, E.	Porfirio	Villivalam
Faraci	Koehler	Preston	Mr. President
Fine	Lightford	Simmons	
Gillespie	Loughran Cappel	Sims	

The following voted in the negative:

Anderson	DeWitte	McConchie	Syverson
Bennett	Fowler	Plummer	Tracy
Bryant	Harriss, E.	Rezin	Turner, S.
Chesney	Lewis	Rose	Wilcox
Curran	McClure	Stoller	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Joyce, **House Bill No. 2266** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Loughran Cappel	Sims
Aquino	Glowiak Hilton	Martwick	Stadelman
Belt	Halpin	McClure	Stoller
Bennett	Harris, N.	McConchie	Syverson
Bryant	Harriss, E.	Morrison	Tracy
Castro	Hastings	Murphy	Turner, D.
Cervantes	Holmes	Pacione-Zayas	Turner, S.
Curran	Hunter	Peters	Ventura
DeWitte	Johnson	Plummer	Villa
Edly-Allen	Jones, E.	Porfirio	Villanueva
Ellman	Joyce	Preston	Villivalam
Faraci	Koehler	Rezin	Wilcox
Fine	Lewis	Rose	Mr. President
Fowler	Lightford	Simmons	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Johnson, **House Bill No. 2285** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cervantes, **House Bill No. 2431** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof.

**HOUSE BILL RECALLED**

On motion of Senator Koehler, **House Bill No. 2443** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO HOUSE BILL 2443**

AMENDMENT NO. 1 . Amend House Bill 2443 on page 3, by deleting lines 11 through 13.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Koehler, **House Bill No. 2443** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Lightford	Stadelman
Aquino	Gillespie	Loughran Cappel	Stoller
Belt	Glowiak Hilton	Martwick	Syverson
Bennett	Halpin	McConchie	Tracy
Bryant	Harris, N.	Murphy	Turner, D.
Castro	Harriss, E.	Pacione-Zayas	Turner, S.
Cervantes	Hastings	Peters	Ventura
Chesney	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	
Fine	Lewis	Sims	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

Senator McClure asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 2443**.

On motion of Senator Simmons, **House Bill No. 2464** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Lightford	Sims
Aquino	Gillespie	Loughran Cappel	Stadelman
Belt	Glowiak Hilton	Martwick	Stoller
Bennett	Halpin	McClure	Syverson
Bryant	Harris, N.	Morrison	Tracy
Castro	Harriss, E.	Murphy	Turner, D.
Cervantes	Hastings	Pacione-Zayas	Turner, S.
Chesney	Holmes	Peters	Ventura
Curran	Hunter	Plummer	Villa
DeWitte	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Wilcox
Faraci	Koehler	Rose	Mr. President
Fine	Lewis	Simmons	

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

On motion of Senator Faraci, **House Bill No. 2528** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 47; NAYS 6.

The following voted in the affirmative:

Aquino	Gillespie	Lewis	Rose
Belt	Glowiak Hilton	Lightford	Simmons
Bennett	Halpin	Loughran Cappel	Sims
Castro	Harris, N.	Martwick	Stadelman
Cervantes	Harriss, E.	McClure	Turner, D.
Curran	Hastings	Morrison	Turner, S.
DeWitte	Holmes	Murphy	Ventura
Edly-Allen	Hunter	Pacione-Zayas	Villa
Ellman	Johnson	Peters	Villanueva
Faraci	Jones, E.	Porfirio	Villivalam
Fine	Joyce	Preston	Mr. President
Fowler	Koehler	Rezin	

The following voted in the negative:

Anderson	Chesney	Syverson
Bryant	Plummer	Tracy

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

On motion of Senator Simmons, **House Bill No. 2562** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Loughran Cappel	Stadelman
Aquino	Glowiak Hilton	Martwick	Stoller
Belt	Halpin	McClure	Syverson
Bennett	Harris, N.	McConchie	Tracy
Bryant	Harriss, E.	Morrison	Turner, D.
Castro	Hastings	Murphy	Turner, S.
Cervantes	Holmes	Pacione-Zayas	Ventura
Curran	Hunter	Peters	Villa
DeWitte	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Wilcox
Faraci	Koehler	Rose	Mr. President
Fine	Lewis	Simmons	
Fowler	Lightford	Sims	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Morrison, **House Bill No. 2954** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Lightford	Sims
Aquino	Gillespie	Loughran Cappel	Stadelman
Belt	Glowiak Hilton	Martwick	Stoller
Bennett	Halpin	McClure	Syverson
Bryant	Harris, N.	McConchie	Tracy
Castro	Harriss, E.	Morrison	Turner, D.
Cervantes	Hastings	Murphy	Turner, S.
Chesney	Holmes	Pacione-Zayas	Ventura
Curran	Hunter	Peters	Villa
DeWitte	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Wilcox
Faraci	Koehler	Rose	Mr. President
Fine	Lewis	Simmons	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Peters, **House Bill No. 3026** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAY 1.

The following voted in the affirmative:

Anderson	Gillespie	Loughran Cappel	Stoller
Aquino	Glowiak Hilton	Martwick	Syverson
Belt	Halpin	McClure	Tracy
Bennett	Harris, N.	McConchie	Turner, D.
Bryant	Harriss, E.	Morrison	Turner, S.
Castro	Hastings	Murphy	Ventura
Cervantes	Holmes	Pacione-Zayas	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	
Fine	Lewis	Sims	
Fowler	Lightford	Stadelman	

The following voted in the negative:

Chesney

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Villivalam, **House Bill No. 3149** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

[May 10, 2023]



Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator S. Turner, **House Bill No. 3203** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Peters, **House Bill No. 3227** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Morrison, **House Bill No. 3295** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Halpin, **House Bill No. 3301** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Sims
Aquino	Gillespie	Martwick	Stadelman
Belt	Glowiak Hilton	McClure	Stoller
Bennett	Halpin	McConchie	Syverson
Bryant	Harris, N.	Morrison	Tracy
Castro	Harriss, E.	Murphy	Turner, D.
Cervantes	Hastings	Pacione-Zayas	Turner, S.
Chesney	Holmes	Peters	Ventura
Curran	Hunter	Plummer	Villa
DeWitte	Johnson	Porfirio	Villanueva
Edly-Allen	Joyce	Preston	Villivalam
Ellman	Koehler	Rezin	Wilcox
Faraci	Lewis	Rose	Mr. President

Fine

Lightford

Simmons

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

Ordered that the Secretary inform the House of Representatives thereof.

### HOUSE BILL RECALLED

On motion of Senator Halpin, **House Bill No. 3314** was recalled from the order of third reading to the order of second reading.

Senator Halpin offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 3314

AMENDMENT NO. 1. Amend House Bill 3314 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Consumer Contract Reciprocal Attorney's Fees Act.

Section 5. Definitions. As used in this Act:

"Consumer contract" means any contract in which the money, property, or service that is the subject of the transaction is primarily for personal, family, or household purposes.

"Commercial party" means the person from whom money, property, or services are acquired under the consumer contract that is a seller, lender, participating lender, lessor, creditor, or assignee.

"Debt buyer" has the meaning given to that term in Section 2 of the Collection Agency Act.

Section 10. Attorney's fees. If a consumer contract allows for the recovery of attorney's fees in an action brought by a commercial party to enforce the consumer contract, the court may award reasonable attorney's fees to the defendant if the defendant prevails in the action. A defendant prevails in an action if:

(1) judgment is entered by the court in favor of the defendant;

(2) a motion to dismiss the case is filed by the defendant under Section 2-619 of the Code of Civil Procedure and is granted by the court; or

(3) the plaintiff voluntarily dismisses the pending case under Section 2-1009 of the Code of Civil Procedure after a trial date has been set and after the pending case has been previously filed on the same consumer contract and dismissed under Section 2-1009 of the Code of Civil Procedure.

Section 15. Applicability.

(a) This Act applies to any action filed on or after the effective date of this Act:

(1) with respect to any consumer contract entered into on or after the effective date of this Act; if the commercial party filing the action is a debt buyer, this Act applies irrespective of when the consumer contract was made or acquired by the debt buyer; and

(2) if the principal amount claimed does not exceed the maximum amount of a judgment allowable for a small claim under the Illinois Supreme Court Rules.

(b) Notwithstanding subsection (a), this Act does not apply if:

(1) the commercial party does not request attorney's fees in its complaint; or

(2) each party to the consumer contract was represented by counsel in the negotiation of the consumer contract.

Section 20. Right to attorney's fees not limited. Nothing in this Act shall be construed to apply to or limit the rights of any party to attorney's fees under any other contract or as authorized in relation to consumer contracts under other provisions of State law."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

[May 10, 2023]

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Halpin, **House Bill No. 3314** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Faraci, **House Bill No. 1190** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Sims
Aquino	Gillespie	Martwick	Stadelman
Belt	Glowiak Hilton	McClure	Stoller
Bennett	Halpin	McConchie	Syverson
Bryant	Harris, E.	Morrison	Tracy
Castro	Hastings	Murphy	Turner, D.
Cervantes	Holmes	Pacione-Zayas	Turner, S.
Chesney	Hunter	Peters	Ventura
Curran	Johnson	Plummer	Villa
DeWitte	Jones, E.	Porfirio	Villanueva
Edly-Allen	Joyce	Preston	Villivalam
Ellman	Koehler	Rezin	Wilcox
Faraci	Lewis	Rose	Mr. President
Fine	Lightford	Simmons	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Koehler, **House Bill No. 3337** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 43; NAYS 13.

The following voted in the affirmative:

Aquino	Halpin	Lightford	Sims
Belt	Harris, N.	Loughran Cappel	Stadelman
Castro	Harriss, E.	Martwick	Syverson
Cervantes	Hastings	Morrison	Turner, D.
Curran	Holmes	Murphy	Ventura
Edly-Allen	Hunter	Pacione-Zayas	Villa
Ellman	Johnson	Peters	Villanueva
Faraci	Jones, E.	Porfirio	Villivalam
Fine	Joyce	Preston	Wilcox
Gillespie	Koehler	Rezin	Mr. President
Glowiak Hilton	Lewis	Simmons	

The following voted in the negative:

Anderson	DeWitte	Plummer	Turner, S.
Bennett	Fowler	Rose	
Bryant	McClure	Stoller	
Chesney	McConchie	Tracy	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Simmons, **House Bill No. 3414** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 33; NAYS 20.

The following voted in the affirmative:

Aquino	Halpin	Martwick	Turner, D.
Belt	Harris, N.	Morrison	Ventura
Castro	Hastings	Murphy	Villa
Cervantes	Hunter	Pacione-Zayas	Villanueva
Edly-Allen	Johnson	Peters	Villivalam
Ellman	Jones, E.	Porfirio	Mr. President
Faraci	Koehler	Preston	
Fine	Lightford	Simmons	
Gillespie	Loughran Cappel	Sims	

The following voted in the negative:

Anderson	Fowler	Plummer	Turner, S.
Bennett	Harriss, E.	Rezin	Wilcox
Bryant	Joyce	Rose	
Chesney	Lewis	Stoller	
Curran	McClure	Syverson	
DeWitte	McConchie	Tracy	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Villivalam, **House Bill No. 3424** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 39; NAYS 14.

The following voted in the affirmative:

Aquino	Glowiak Hilton	Lightford	Sims
Belt	Halpin	Loughran Cappel	Stadelman
Bryant	Harris, N.	Martwick	Turner, D.
Castro	Hastings	Morrison	Turner, S.
Cervantes	Holmes	Murphy	Ventura
Edly-Allen	Hunter	Pacione-Zayas	Villa
Ellman	Johnson	Peters	Villanueva
Faraci	Jones, E.	Porfirio	Villivalam
Fine	Joyce	Preston	Mr. President
Gillespie	Koehler	Simmons	

The following voted in the negative:

Anderson	Fowler	Rezin	Tracy
Bennett	Harriss, E.	Rose	Wilcox
Chesney	McClure	Stoller	
DeWitte	Plummer	Syverson	

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

Ordered that the Secretary inform the House of Representatives thereof.

### HOUSE BILL RECALLED

On motion of Senator Bryant, **House Bill No. 3456** was recalled from the order of third reading to the order of second reading.

Senator Bryant offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 3456

AMENDMENT NO. 2. Amend House Bill 3456, AS AMENDED, by replacing everything after the enacting clause with the following:

[May 10, 2023]

"Section 1. Short title. This Act may be cited as the Department of Natural Resources World Shooting and Recreational Complex Act.

Section 5. Legislative intent. The General Assembly finds that authorizing the Department of Natural Resources to enter into a public-private partnership will allow the World Shooting and Recreational Complex to become a fully reactivated space in a timely manner and is in the best interest of the State and the local community.

Section 10. Definitions.

"Contractor" means a person who has been selected to enter or has entered into a public-private agreement with the Department on behalf of the State for the development, financing, management, or operation of the World Shooting and Recreational Complex pursuant to this Act.

"Department" means the Department of Natural Resources.

"Director" means the Director of Natural Resources.

"Maintain" or "maintenance" includes ordinary maintenance, repair, rehabilitation, capital maintenance, replacement, and any other categories of maintenance that may be designated by the Department.

"Offeror" means a person who responds to a request for proposals under this Act.

"Operate" or "operation" means to do one or more of the following: maintain, improve, equip, modify, or otherwise operate.

"Person" means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, or any other legal entity, group, or combination thereof.

"Public-private agreement" means an agreement or contract between the Department and the contractor on behalf of the State and all schedules, exhibits, and attachments thereto, entered into pursuant to a competitive request for proposals process governed by this Act, for the financing, management and operation of the World Shooting and Recreational Complex under this Act.

"Revenues" means all revenues, including, but not limited to, income, user fees, earnings, interest, lease payments, allocations, moneys from the federal government, the State, and units of local government, including, but not limited to, federal, State, and local appropriations, grants, loans, lines of credit, and credit guarantees; bond proceeds; equity investments; service payments; or other receipts arising out of or in connection with the financing, development, management, or operation of the World Shooting and Recreational Complex.

"World Shooting and Recreational Complex" means real property in Sparta, Illinois, consisting of approximately 1,620 acres including a 117-acre lake, over 1,000 camping sites, 120 trap houses, 2 sporting clays courses, 24 combination trap skeet fields, a cowboy action shooting area, a vendor mall, and a restaurant.

Section 15. Authority to enter public-private agreement. Notwithstanding any provision of law to the contrary, the Department, on behalf of the State, may enter into a public-private agreement to develop, finance, lease, manage, and operate the World Shooting and Recreational Complex on behalf of the State, pursuant to which the contractors may receive certain revenues, including management or user fees in consideration of the payment of moneys to the State for that right.

Section 20. Engagement prior to request for proposals. The Director or the Director's designee may, prior to soliciting requests for proposals, enter into discussions with interested persons in order to assess existing market conditions and demands, provided that no such interested persons shall have any role in drafting any request for proposals, nor shall any request for proposal be provided to any interested person prior to its general public distribution. The Director may issue a request for qualifications that requests interested persons to provide such information as the Director deems necessary in order to evaluate the qualifications of such interested persons. This may include, but is not limited to, the ability of interested persons to acquire the property, as determined by the Director. Such engagement and discussions with interested persons are exempt from Sections 50-10.5, 50-39, 50-40, 50-45, and 50-50 of the Illinois Procurement Code.

Section 25. Requests for proposals. If requests for proposals are made by the Department, the Department shall comply with the competitive request for proposals process under Article 20 of the Illinois Procurement Code, rules adopted under that Code, and this Act.

Section 30. Request for proposal process.

(a) The Department, on behalf of the State, may select a contractor through a competitive request for proposals process under Article 20 of the Illinois Procurement Code and rules adopted under that Article of the Code.

(b) The competitive request for proposals process shall solicit statements of qualification and proposals from offerors.

(c) In addition to any requirements under Article 20 of the Illinois Procurement Code, the competitive request for proposals process may take into account the following criteria:

(1) the offeror's plans for the World Shooting and Recreational Complex project;

(2) the offeror's current and past business practices; and

(3) the offeror's poor or inadequate past performance in developing, financing, constructing, managing, or operating other historic landmark properties or other public assets.

Section 35. Provisions of the public-private agreement.

(a) The public-private agreement may include, but is not limited to, the following:

(1) the powers, duties, responsibilities, obligations, and functions of the Department and the contractor;

(2) compensation or payments to the Department, if applicable;

(3) compensation or payments to the contractor, if applicable;

(4) a provision specifying that the Department:

(A) has ready access to information regarding the contractor's powers, duties, responsibilities, obligations, and functions under the public-private agreement;

(B) has the right to demand and receive information from the contractor concerning any aspect of the contractor's powers, duties, responsibilities, obligations, and functions under the public-private agreement; and

(C) has the authority to direct or countermand decisions by the contractor at any time.

(5) the authority of the contractor to impose user fees and the amounts of those fees;

(6) a provision governing the deposit and allocation of revenues, including user fees;

(7) a provision governing rights to real and personal property of the State, the Department, the contractor, and other third parties;

(8) rights and remedies of the Department if the contractor defaults or otherwise fails to comply with the terms of the agreement; and

(9) all other terms, conditions, and provisions acceptable to the Department that the Department deems necessary and proper and in the public interest.

Section 40. Labor.

(a) A public-private agreement related to the World Shooting and Recreational Complex pertaining to the building, altering, repairing, maintaining, improving, or demolishing of the Complex shall require the contractor and all subcontractors to comply with the requirements of Section 30-22 of the Illinois Procurement Code as they apply to responsible bidders, including, but not limited to, all applicable provisions of the Prevailing Wage Act, and to present satisfactory evidence of that compliance to the Department, unless the project is federally funded and the application of those requirements would jeopardize the receipt or use of federal funds in support of the project.

(b) A public-private agreement related to the World Shooting and Recreational Complex pertaining to the building, altering, repairing, maintaining, improving, or demolishing the Complex shall require the contractor and all subcontractors to enter into a project labor agreement used by the Capital Development Board.

Section 45. Term of agreement; reversion of property to the Department.

(a) The term of any public-private agreement entered into under this Act shall be no less than 25 years and no more than 99 years.



(b) The Department may terminate the contractor's authority and duties under the public-private agreement on the date set forth in the public-private agreement. The Department may also terminate the public-private agreement pursuant to any clause or condition as set forth in the public-private agreement.

(c) Upon termination of the public-private agreement, the authority, and duties of the contractor under this Act cease, except for those duties and obligations that extend beyond the termination, as set forth in the public-private agreement, and all interests in the World Shooting and Recreational Complex shall revert to the Department.

Section 50. The Prevailing Wage Act is amended by changing Section 2 as follows:

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

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

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

"Public works" means all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions, including but not limited to: bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act; loans or other funds made available pursuant to the Build Illinois Act; loans or other funds made available pursuant to the Riverfront Development Fund under Section 10-15 of the River Edge Redevelopment Zone Act; or funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes (i) all projects financed in whole or in part with funds from the Environmental Protection Agency under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act or the Department of Natural Resources World Shooting and Recreational Complex Act; and (iv) all transportation facilities undertaken under a design-build contract or a Construction Manager/General Contractor contract under the Innovations for Transportation Infrastructure Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) and the construction of a new utility-scale solar power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act. "Public works" also includes electric vehicle charging station projects financed pursuant to the Electric Vehicle Act and renewable energy projects required to pay the prevailing wage pursuant to the Illinois Power Agency Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects performed by a third party contracted by any public utility, as described in subsection (a) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects that exceed 15 aggregate miles of new fiber optic cable, performed by a third party contracted by any public utility, as described in subsection (b) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for

wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

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

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

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

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

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works. (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21; 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff. 6-15-22.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Bryant, **House Bill No. 3456** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox

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Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Villivalam, **House Bill No. 3516** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Lightford	Sims
Aquino	Gillespie	Loughran Cappel	Stadelman
Belt	Glowiak Hilton	Martwick	Stoller
Bennett	Halpin	McClure	Syverson
Bryant	Harris, N.	McConchie	Tracy
Castro	Harriss, E.	Murphy	Turner, D.
Cervantes	Hastings	Pacione-Zayas	Turner, S.
Chesney	Holmes	Peters	Ventura
Curran	Hunter	Plummer	Villa
DeWitte	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Wilcox
Faraci	Koehler	Rose	Mr. President
Fine	Lewis	Simmons	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 2:10 o'clock p.m., the Chair announced that the Senate stands at ease.

#### AT EASE

At the hour of 2:16 o'clock p.m., the Senate resumed consideration of business.  
Senator Koehler, presiding.

#### REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its May 10, 2023 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

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Education: **Floor Amendment No. 4 to House Bill 2396; Floor Amendment No. 2 to House Bill 3690.**

Executive: **Floor Amendment No. 2 to Senate Bill 376; Floor Amendment No. 2 to Senate Bill 1071; Committee Amendment No. 1 to House Bill 1204; Committee Amendment No. 2 to House Bill 1342; Committee Amendment No. 1 to House Bill 1440; Committee Amendment No. 1 to House Bill 2352; Committee Amendment No. 1 to House Bill 2502; Committee Amendment No. 1 to House Bill 2862; Committee Amendment No. 1 to House Bill 2878; Committee Amendment No. 1 to House Bill 2911; Committee Amendment No. 1 to House Bill 3144; Committee Amendment No. 1 to House Bill 3551.**

Health and Human Services: **Committee Amendment No. 1 to House Bill 3957.**

Licensed Activities: **Floor Amendment No. 5 to House Bill 2077.**

Local Government: **Floor Amendment No. 4 to Senate Bill 895; Floor Amendment No. 3 to House Bill 1131.**

State Government: **Floor Amendment No. 2 to Senate Bill 851; Committee Amendment No. 2 to House Bill 2054.**

Transportation: **Floor Amendment No. 5 to House Bill 3436.**

Veterans Affairs: **Floor Amendment No. 2 to House Bill 925; Floor Amendment No. 3 to House Bill 925.**

Senator Lightford, Chair of the Committee on Assignments, during its May 10, 2023 meeting, reported that the following Legislative Measures have been approved for consideration:

**Senate Resolution No. 217; House Joint Resolution No. 35**

The foregoing resolutions were placed on the Senate Calendar.

Pursuant to Senate Rule 3-8 (b-1), the following amendments will remain in the Committee on Assignments: **Floor Amendment No. 1 to Senate Bill 852; Floor Amendment No. 3 to House Bill 1268 and Floor Amendment No. 1 to House Bill 3095.**

At the hour of 2:23 o'clock p.m., Senator Aquino, presiding.

**POSTING NOTICES WAIVED**

Senator Joyce moved to waive the six-day posting requirement on **House Bill No. 2054** so that the measure may be heard in the Committee on State Government that is scheduled to meet May 10, 2023.

The motion prevailed.

Senator Joyce moved to waive the six-day posting requirement on **House Bill No. 3086** so that the measure may be heard in the Committee on Agriculture that is scheduled to meet May 11, 2023.

The motion prevailed.

Senator Castro moved to waive the six-day posting requirement on **House Bills numbered 1204, 1342, 2204, 2502, 2507, 2878 and 3551** so that the measures may be heard in the Committee on Executive that is scheduled to meet May 10, 2023.

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The motion prevailed.

Senator Villanueva moved to waive the six-day posting requirement on **House Bills numbered 1109, 2539 and 2579** so that the measures may be heard in the Committee on Revenue that is scheduled to meet May 10, 2023.

The motion prevailed.

**HOUSE BILL RECALLED**

On motion of Senator Johnson, **House Bill No. 3524** was recalled from the order of third reading to the order of second reading.

Senator Johnson offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO HOUSE BILL 3524**

AMENDMENT NO. 2. Amend House Bill 3524, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 2-3.196 as follows:

(105 ILCS 5/2-3.196 new)

Sec. 2-3.196. Air Quality in Schools Working Group. The State Board of Education shall form an Air Quality in Schools Working Group to compile resources for elementary and secondary schools relating to indoor air quality in schools, including best practices for assessing and maintaining ventilation systems and information on any potential State or federal funding sources that may assist a school in identifying ventilation needs. The working group shall include representatives from the Department of Public Health, local public health professionals, ventilation professionals affiliated with a Department of Labor apprenticeship program, licensed design professionals, representatives from regional offices of education, school district administrators, teachers, and any other relevant professionals, stakeholders, or representatives of State agencies. The State Board shall implement an outreach plan to make the compiled resources available to elementary and secondary schools, including publication of the compiled resources on the State Board's website on or before August 1, 2024. The working group shall be dissolved upon the publication of the compiled resources. The State Board may, in consultation with the Department of Public Health or any other relevant stakeholders, update the compiled resources as necessary."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Johnson, **House Bill No. 3524** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Aquino	Gillespie	Martwick	Stoller
Belt	Glowiak Hilton	McClure	Syverson
Bennett	Halpin	McConchie	Tracy
Bryant	Harris, N.	Morrison	Turner, D.
Castro	Harriss, E.	Murphy	Turner, S.
Cervantes	Hastings	Pacione-Zayas	Ventura

Chesney	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	
Fine	Lightford	Sims	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

### HOUSE BILL RECALLED

On motion of Senator Preston, **House Bill No. 3570** was recalled from the order of third reading to the order of second reading.

Senator Preston offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 3570

AMENDMENT NO. 2. Amend House Bill 3570 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 24A-20 as follows:  
(105 ILCS 5/24A-20)

Sec. 24A-20. State Board of Education data collection and evaluation assessment and support systems.

(a) On or before the date established in subsection (b) of this Section, the State Board of Education shall, through a process involving collaboration with the Performance Evaluation Advisory Council, develop or contract for the development of and implement all of the following data collection and evaluation assessment and support systems:

(1) A system to annually collect and publish data by district and school on teacher and administrator performance evaluation outcomes. The system must ensure that no teacher or administrator can be personally identified by publicly reported data.

(2) Both a teacher and principal model evaluation template. The model templates must incorporate the requirements of this Article and any other requirements established by the State Board by administrative rule, but allow customization by districts in a manner that does not conflict with such requirements.

(3) An evaluator pre-qualification program based on the model teacher evaluation template.

(4) An evaluator training program based on the model teacher evaluation template. The training program shall provide multiple training options that account for the prior training and experience of the evaluator.

(5) A superintendent training program based on the model principal evaluation template.

(6) One or more instruments to provide feedback to principals on the instructional environment within a school.

(7) A State Board-provided or approved technical assistance system that supports districts with the development and implementation of teacher and principal evaluation systems.

(8) Web-based systems and tools supporting implementation of the model templates and the evaluator pre-qualification and training programs.

(9) A process for measuring and reporting correlations between local principal and teacher evaluations and (A) student growth in tested grades and subjects and (B) retention rates of teachers.

(10) A process for assessing whether school district evaluation systems developed pursuant to this Act and that consider student growth as a significant factor in the rating of a teacher's and principal's performance are valid and reliable, contribute to the development of staff, and improve student achievement outcomes. By no later than September 1, 2014, a research-based study shall be

issued assessing such systems for validity and reliability, contribution to the development of staff, and improvement of student performance and recommending, based on the results of this study, changes, if any, that need to be incorporated into teacher and principal evaluation systems that consider student growth as a significant factor in the rating performance for remaining school districts to be required to implement such systems.

(b) If the State of Illinois receives a Race to the Top Grant, the data collection and support systems described in subsection (a) must be developed on or before September 30, 2011. If the State of Illinois does not receive a Race to the Top Grant, the data collection and support systems described in subsection (a) must be developed on or before September 30, 2012; provided, however, that the data collection and support systems set forth in items (3) and (4) of subsection (a) of this Section must be developed by September 30, 2011 regardless of whether the State of Illinois receives a Race to the Top Grant. By no later than September 1, 2011, if the State of Illinois receives a Race to the Top Grant, or September 1, 2012, if the State of Illinois does not receive a Race to the Top Grant, the State Board of Education must execute or contract for the execution of the assessment referenced in item (10) of subsection (a) of this Section to determine whether the school district evaluation systems developed pursuant to this Act have been valid and reliable, contributed to the development of staff, and improved student performance.

(c) Districts shall submit data and information to the State Board on teacher and principal performance evaluations and evaluation plans in accordance with procedures and requirements for submissions established by the State Board. Such data shall include, without limitation, (i) data on the performance rating given to all teachers in contractual continued service, (ii) data on district recommendations to renew or not renew teachers not in contractual continued service, and (iii) data on the performance rating given to all principals.

(d) If the State Board of Education does not timely fulfill any of the requirements set forth in Sections 24A-7 and 24A-20, and adequate and sustainable federal, State, or other funds are not provided to the State Board of Education and school districts to meet their responsibilities under this Article, the applicable implementation date shall be postponed by the number of calendar days equal to those needed by the State Board of Education to fulfill such requirements and for the adequate and sustainable funds to be provided to the State Board of Education and school districts. The determination as to whether the State Board of Education has fulfilled any or all requirements set forth in Sections 24A-7 and 24A-20 and whether adequate and sustainable funds have been provided to the State Board of Education and school districts shall be made by the State Board of Education in consultation with the P-20 Council.

(e) The State Board of Education shall report teacher evaluation data from each school in the State. The State Board's report shall include:

(1) data from the most recent performance evaluation ratings issued prior to the effective date of this amendatory Act of the 103rd General Assembly for all nontenured teachers and teachers in contractual continued service broken down by the race and ethnicity of teachers; and

(2) data from the most recent performance evaluation ratings issued prior to the effective date of this amendatory Act of the 103rd General Assembly for all nontenured teachers and teachers in contractual continued service broken down by the race, ethnicity, and eligibility status for free or reduced-price lunch of students in the school where the teachers work.

The report shall contain data in an aggregate format. The report with the aggregate data is not confidential pursuant to Section 24A-7.1 of this Code unless an individual teacher is personally identifiable in the report. With respect to the report, the underlying data and any personally identifying information of a teacher shall be confidential. The State Board shall provide the data in the report in a format that prevents identification of individual teachers.

(Source: P.A. 96-861, eff. 1-15-10)."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Preston, **House Bill No. 3570** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Loughran Cappel	Stadelman
Aquino	Glowiak Hilton	Martwick	Stoller
Belt	Halpin	McClure	Syverson
Bennett	Harris, N.	McConchie	Tracy
Bryant	Harriss, E.	Morrison	Turner, D.
Castro	Hastings	Murphy	Turner, S.
Cervantes	Holmes	Pacione-Zayas	Ventura
Curran	Hunter	Peters	Villa
DeWitte	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Mr. President
Faraci	Koehler	Rose	
Fine	Lewis	Simmons	
Fowler	Lightford	Sims	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

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

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	



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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator N. Harris, **House Bill No. 3646** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS 2.

The following voted in the affirmative:

Anderson	Gillespie	Loughran Cappel	Stoller
Aquino	Glowiak Hilton	Martwick	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Curran	Hunter	Porfrio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	
Fine	Lewis	Sims	
Fowler	Lightford	Stadelman	

The following voted in the negative:

Chesney  
Plummer

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

Ordered that the Secretary inform the House of Representatives thereof.

**HOUSE BILL RECALLED**

On motion of Senator Hunter, **House Bill No. 3699** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO HOUSE BILL 3699**

AMENDMENT NO. 1 . Amend House Bill 3699 on page 2, by replacing lines 4 through 12 with the following:

"(c) The Department, in collaboration with the Department of Healthcare and Family Services and the Department of Central Management Services, shall implement a pilot program that seeks to connect parents in arrearage on child support obligations with work opportunities. The work opportunities provided to program participants shall include opportunities offered by employers located in the State of Illinois including, but not limited to, State employment. The pilot program shall end on June 30, 2025. No later than 60 days after the end of the pilot program, the Department shall provide a program report to the General Assembly. This subsection is repealed on January 1, 2026."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Hunter, **House Bill No. 3699** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Villivalam, **House Bill No. 3707** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam

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DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Villivalam, **House Bill No. 3733** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Halpin, **House Bill No. 3759** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAY 1.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Sims
Aquino	Gillespie	Martwick	Stadelman
Belt	Halpin	McClure	Stoller
Bennett	Harris, N.	McConchie	Syverson
Bryant	Harriss, E.	Morrison	Tracy
Castro	Hastings	Murphy	Turner, D.

Cervantes	Holmes	Pacione-Zayas	Turner, S.
Chesney	Hunter	Peters	Ventura
Curran	Johnson	Plummer	Villa
DeWitte	Jones, E.	Porfirio	Villanueva
Edly-Allen	Joyce	Preston	Villivalam
Ellman	Koehler	Rezin	Mr. President
Faraci	Lewis	Rose	
Fine	Lightford	Simmons	

The following voted in the negative:

Wilcox

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Villivalam, **House Bill No. 3768** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stadelman
Aquino	Glowiak Hilton	McClure	Stoller
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Hastings	Murphy	Turner, S.
Castro	Holmes	Pacione-Zayas	Ventura
Cervantes	Hunter	Peters	Villa
Curran	Johnson	Plummer	Villanueva
DeWitte	Jones, E.	Porfirio	Villivalam
Edly-Allen	Joyce	Preston	Wilcox
Ellman	Koehler	Rezin	Mr. President
Faraci	Lewis	Rose	
Fine	Lightford	Simmons	
Fowler	Loughran Cappel	Sims	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Belt, **House Bill No. 3801** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Stoller
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Aquino	Glowiak Hilton	McClure	Syverson
Belt	Halpin	McConchie	Tracy
Bennett	Harris, N.	Morrison	Turner, D.
Bryant	Harriss, E.	Murphy	Turner, S.
Castro	Hastings	Pacione-Zayas	Ventura
Cervantes	Holmes	Peters	Villa
Chesney	Hunter	Plummer	Villanueva
Curran	Johnson	Porfrio	Villivalam
DeWitte	Jones, E.	Preston	Wilcox
Edly-Allen	Joyce	Rezin	Mr. President
Ellman	Koehler	Rose	
Faraci	Lewis	Simmons	
Fine	Lightford	Sims	
Fowler	Loughran Cappel	Stadelman	

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

On motion of Senator Ventura, **House Bill No. 3849** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 34; NAYS 20.

The following voted in the affirmative:

Aquino	Glowiak Hilton	Martwick	Stadelman
Belt	Halpin	Morrison	Turner, D.
Castro	Harris, N.	Murphy	Ventura
Cervantes	Hastings	Pacione-Zayas	Villa
Edly-Allen	Hunter	Peters	Villanueva
Ellman	Johnson	Porfrio	Villivalam
Faraci	Jones, E.	Preston	Mr. President
Fine	Koehler	Simmons	
Gillespie	Lightford	Sims	

The following voted in the negative:

Anderson	Fowler	McConchie	Turner, S.
Bennett	Harriss, E.	Plummer	Wilcox
Bryant	Holmes	Rose	
Chesney	Joyce	Stoller	
Curran	Lewis	Syverson	
DeWitte	McClure	Tracy	

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

On motion of Senator Ellman, **House Bill No. 3932** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 38; NAYS 17.

The following voted in the affirmative:

Aquino	Halpin	Loughran Cappel	Sims
Belt	Harris, N.	Martwick	Stadelman
Castro	Hastings	Morrison	Turner, D.
Cervantes	Holmes	Murphy	Ventura
Edly-Allen	Hunter	Pacione-Zayas	Villa
Ellman	Johnson	Peters	Villanueva
Faraci	Jones, E.	Porfirio	Villivalam
Fine	Joyce	Preston	Mr. President
Gillespie	Koehler	Rezin	
Glowiak Hilton	Lightford	Simmons	

The following voted in the negative:

Anderson	Fowler	Plummer	Turner, S.
Bennett	Harriss, E.	Rose	Wilcox
Bryant	Lewis	Stoller	
Chesney	McClure	Syverson	
Curran	McConchie	Tracy	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 3955** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAY 1.

The following voted in the affirmative:

Anderson	Fowler	Lightford	Sims
Aquino	Gillespie	Loughran Cappel	Stadelman
Belt	Glowiak Hilton	Martwick	Stoller
Bennett	Halpin	McClure	Syverson
Bryant	Harris, N.	McConchie	Tracy
Castro	Harriss, E.	Morrison	Turner, D.
Cervantes	Hastings	Murphy	Turner, S.
Chesney	Holmes	Pacione-Zayas	Ventura
Curran	Hunter	Peters	Villa
DeWitte	Johnson	Plummer	Villanueva
Edly-Allen	Jones, E.	Porfirio	Villivalam
Ellman	Joyce	Preston	Wilcox
Faraci	Koehler	Rezin	Mr. President
Fine	Lewis	Simmons	

The following voted in the negative:

Rose

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

Ordered that the Secretary inform the House of Representatives thereof.

#### COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committees to meet at 3:00 o'clock p.m.:

Executive in Room 212  
 Licensed Activities in Room 400  
 State Government in Room 409

The Chair announced the following committees to meet at 5:00 o'clock p.m.:

Local Government in Room 409  
 Revenue in Room 400

#### CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Hunter moved that **Senate Resolution No. 169**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hunter moved that Senate Resolution No. 169 be adopted.

The motion prevailed.

And the resolution was adopted.

#### 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. 2509

A bill for AN ACT concerning regulation.

Passed the House, May 9, 2023.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bill No. 2509** 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 concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 1673

A bill for AN ACT concerning local government.

SENATE BILL NO. 1705

A bill for AN ACT concerning revenue.

SENATE BILL NO. 1707

A bill for AN ACT concerning local government.

SENATE BILL NO. 1709

A bill for AN ACT concerning State government.

SENATE BILL NO. 1715

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1741

A bill for AN ACT concerning civil law.

SENATE BILL NO. 1745

A bill for AN ACT concerning wildlife.

SENATE BILL NO. 1750

A bill for AN ACT concerning local government.

SENATE BILL NO. 1772

A bill for AN ACT concerning safety.

SENATE BILL NO. 1785

A bill for AN ACT concerning regulation.

Passed the House, May 9, 2023.

JOHN W. HOLLMAN, Clerk of 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 concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 1804

A bill for AN ACT concerning safety.

SENATE BILL NO. 1817

A bill for AN ACT concerning human rights.

SENATE BILL NO. 1824

A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 1834

A bill for AN ACT concerning minors.

SENATE BILL NO. 1840

A bill for AN ACT concerning local government.

SENATE BILL NO. 1861

A bill for AN ACT concerning local government.

SENATE BILL NO. 1866

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1882

A bill for AN ACT concerning animals.

SENATE BILL NO. 1883

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 1889

A bill for AN ACT concerning regulation.

Passed the House, May 9, 2023.

JOHN W. HOLLMAN, Clerk of 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 concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 1892

A bill for AN ACT concerning local government.

SENATE BILL NO. 1896

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1897

A bill for AN ACT concerning local government.

SENATE BILL NO. 1913

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1935

A bill for AN ACT concerning State government.

Passed the House, May 9, 2023.

JOHN W. HOLLMAN, Clerk of the House

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**READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME**

**House Bill No. 2509**, sponsored by Senator Aquino, was taken up, read by title a first time and referred to the Committee on Assignments.

**PRESENTATION OF RESOLUTIONS**

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

**SENATE JOINT RESOLUTION NO. 37**

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to those who have made a difference in their community and the State of Illinois; and

WHEREAS, Don Welge of Chester passed away on April 16, 2020; and

WHEREAS, Don Welge was born to William H. and Rudelle F. (Fritze) Welge in St. Louis, Missouri on July 11, 1935; he married Mary Alice Childers at St. John Lutheran Church in Chester on August 4, 1962; he served in the U.S. Army; and

WHEREAS, Don Welge and his family created the Gilster-Mary Lee Corporation, one of the largest independent food processing companies in the United States, establishing food processing plants on both sides of the Mississippi River and providing hundreds of good jobs in production, warehousing, and delivery truck driving; and

WHEREAS, Don Welge served as an adviser for the School of Business at Southern Illinois University of Carbondale and Southeast Missouri State University in Cape Girardeau; he was also an active Louisiana State University alumnus with the School of Agriculture; and

WHEREAS, Don Welge established a reputation as a supporter of economic development, serving as a member of the chambers of commerce in Chester and Steeleville, both in Illinois, and Perryville, Missouri; he was also a director for the Buena Vista National Bank; and

WHEREAS, Don Welge was a member of St. John Lutheran Church in Chester; he passionately supported the Boy Scouts for more than 40 years and previously served as council president; he served as master of ceremonies for the Fourth of July celebration held on Kaskaskia Island for many years; and

WHEREAS, Don Welge was preceded in death by his parents; his brother, Bruce Welge; and his brother-in-law, Wib Saak; and

WHEREAS, At the time of his passing, Don Welge was survived by his wife, Mary Alice Welge; his sons, Robert (Paige) Welge and Thomas (Tracy) Welge; his brother, Mike (Betty) Welge; his sister-in-law, Julia Saak; his grandchildren, Austin Welge, Lauren Welge, Jackson Welge, and William Welge; and his many nieces, nephews, cousins, and friends; and

WHEREAS, Don Welge worked hard to gain support for the building of a new bridge over the Mississippi River to connect Illinois and Missouri; and

WHEREAS, The Chester Bridge has two 11-foot lanes and carries 7,000 vehicles per day, connecting the cities of Chester and Perryville, Missouri across the Mississippi River along Illinois Route 150 and Missouri Route 51; and

WHEREAS, Plans are underway by the Illinois Department of Transportation and the Missouri Department of Transportation to replace the Chester Bridge; and

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WHEREAS, Randolph County of Illinois, the Community Foundation of Randolph County, Perry County of Missouri, and the City of Perryville, Missouri have adopted resolutions supporting naming the new Chester Bridge in honor of Don Welge; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the new Chester Bridge over the Mississippi River along Illinois Route 150 and Missouri Route 51 as the "Don Welge Memorial Bridge"; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Don Welge, Randolph County of Illinois, the Community Foundation of Randolph County, Perry County of Missouri, the City of Perryville, Missouri, the Secretary of the Illinois Department of Transportation, and the Secretary of the Missouri Department of Transportation.

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

#### **SENATE JOINT RESOLUTION NO. 38**

WHEREAS, Currently, Illinois suffers from a significant shortage of mental health professionals, particularly licensed clinical social workers; and

WHEREAS, According to a recent disclosure by the Association of Social Work Boards, there are significant test pass disparities and biases against older test takers, test takers with disabilities, and minority test takers; and

WHEREAS, Illinois has a vested interest in ensuring that it addresses the critical workforce issues facing the state with a diverse workforce that reflects the clients it serves; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Social Work Alternative Licensure Path and Barriers to Access Task Force is created to study the following:

- (1) The effectiveness and impact of an alternative process to the social work clinical licensure examination;
- (2) Alternatives to examination and their impact on social worker licensure in Illinois;
- (3) Current licensure supervision and recommendations for improving licensure supervision as well as barriers to obtaining supervision;
- (4) Any barriers to licensure and diversity of the social work population and recommended changes;
- (5) Methods for eliminating bias and improving the fairness, diversity, and efficiency of the licensing process for social workers in the State; and
- (6) Funding sources to address barriers to access and diversity in the field of social work in Illinois; and be it further

RESOLVED, That the Task Force shall consist of the following members with no affiliation to the Association of Social Work Boards:

- (1) One member of the majority party of the Senate who shall serve as the Chair, appointed by the President of the Senate;
- (2) One member of the minority party of the Senate, appointed by the Minority Leader of the Senate;
- (3) One member of the majority party in the House, appointed by the Speaker of the House;

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(4) One member of the minority party of the House, appointed by the Minority Leader of the House;

(5) The Secretary of Illinois Department of Financial And Professional Regulation (IDFPR) or his or her designee;

(6) The Director of the Department of Children and Family Services (DCFS) or his or her designee;

(7) The Chair of the Social Work Examining and Disciplinary Board or his or her designee;

(8) One individual who is a licensed social worker in the State who graduated from an accredited social work master's program more than 15 years ago, appointed by the Director of IDFPR;

(9) Two Deans of Social Work from accredited social work master's programs serving the State, one of whom shall be from a college or university serving a majority of minority social work students, appointed by the Director of IDFPR;

(10) Two individuals who received a master's degree in social work within the immediately preceding 10 years and who have been negatively impacted by the examination requirement for licensure, appointed by the Director of IDFPR;

(11) One individual who is a student studying to receive their master's degree in social work, appointed by the Director of IDFPR;

(12) One individual from the Illinois Behavioral Health Workforce Center at UIC and SIU, appointed by the Director of IDFPR;

(13) One individual from the Illinois Children's Mental Health Partnership, appointed by the Director of IDFPR;

(14) One individual from the field of medical social work from a children's hospital, appointed by the Director of IDFPR;

(15) One individual from a statewide organization representing all fields of social work, appointed by the Director of IDFPR;

(16) One individual from a statewide organization representing school social workers, appointed by the Director of IDFPR;

(17) One individual from a statewide organization representing Latino social workers, appointed by the Director of IDFPR;

(18) One individual from a statewide organization representing Black social workers, appointed by the Director of IDFPR;

(19) One individual from a statewide organization representing child welfare agencies under contract by the Department of Children and Family Services, appointed by the Director of IDFPR;

(20) One individual from a statewide organization representing community-based providers serving children and adults with intellectual/developmental disabilities and serious mental illnesses, appointed by the Director of IDFPR;

(21) One individual from a national organization representing a nationally accepted examination for clinical social work, appointed by the Director of IDFPR;

(22) One individual from a statewide organization representing veteran social workers, appointed by the Director of IDFPR; and

(23) One individual from a statewide organization representing people with disabilities, appointed by the Director of IDFPR; and be it further

RESOLVED, That the Task Force shall include one additional member to represent the Association of Social Work Boards, who shall be nominated by the Association and appointed by the Director of IDFPR; and be it further

RESOLVED, That Task Force members shall serve without compensation; and be it further

RESOLVED, That the Illinois Department of Financial and Professional Regulation shall provide administrative and other support to the Task Force; and be it further

RESOLVED, That the Task Force shall meet a minimum of four times at the call of the Chair; and be it further

RESOLVED, That the Task Force shall submit its final report to the General Assembly no later than December 31, 2024, and upon filing of its final report, the Task Force is dissolved.

**LEGISLATIVE MEASURES FILED**

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

Amendment No. 1 to House Bill 1363  
Amendment No. 2 to House Bill 3710

**JOINT ACTION MOTION FILED**

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment No. 2 to Senate Bill 1488

At the hour of 3:07 o'clock p.m., the Chair announced that the Senate stands adjourned until Thursday, May 11, 2023, at 11:30 o'clock a.m.

**PERFUNCTORY SESSION  
7:07 O'CLOCK P.M.**

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

**MESSAGE FROM THE PRESIDENT**

**OFFICE OF THE SENATE PRESIDENT  
DON HARMON  
STATE OF ILLINOIS**

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

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

May 10, 2023

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

Dear Mr. Secretary:

Pursuant to Senate Rule 2-10, I am scheduling a Perfunctory Session to convene on Wednesday, May 10, 2023.

s/Don Harmon  
Don Harmon

[May 10, 2023]

Senate President

cc: Senate Republican Leader John F. Curran

**PRESENTATION OF CELEBRATION OF LIFE RESOLUTIONS****SENATE RESOLUTION NO. 279**

Offered by Senator Koehler and all Senators:

Mourns the death of Brian Michael Mentlewicz of Waukesha.

**SENATE RESOLUTION NO. 280**

Offered by Senator Koehler and all Senators:

Mourns the death of Donna Mae (Bonar) Haerr of St. Louis, Missouri, formerly of Peoria.

**SENATE RESOLUTION NO. 281**

Offered by Senator Koehler and all Senators:

Mourns the death of former Peoria Mayor Richard Ellison Carver.

**PRESENTATION OF RESOLUTION**

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

**SENATE RESOLUTION NO. 278**

WHEREAS, The month of May first commemorated Asian American and Pacific Islander heritage in 1979 and has been celebrated as Asian/Pacific American Heritage Month since 1990; this commemoration uplifts the stories of more than 50 distinct ethnic groups and more than 100 languages that comprise Asian American and Pacific Islander communities; and

WHEREAS, The month of May was chosen to commemorate Asian American and Pacific Islander Heritage Month to mark the first arrival of Japanese immigrants on May 7, 1843 and the completion of the Transcontinental Railroad on May 10, 1869 through the incredible effort of mostly Chinese immigrant workers; and

WHEREAS, Illinois is home to more than 870,000 Asian Americans and Pacific Islanders, according to the most recent American Community Survey data available from the U.S. Census Bureau; the five largest communities represented are Indian Americans, Filipino Americans, Chinese Americans, Korean Americans, and Pakistani Americans; and

WHEREAS, Through immigration and refugee resettlement and as multi-generational families, Asian Americans and Pacific Islanders have taken many pathways to call Illinois home; and

WHEREAS, Asian Americans and Pacific Islanders comprise the fastest growing racial or ethnic group in the country, and Asian American and Pacific Islander communities are vital parts of communities across Illinois in cities, suburbs, and rural areas of the state; and

WHEREAS, The history of Asian Americans and Pacific Islanders is deeply intertwined in the history of the United States and is often fraught with discrimination, exclusion, and violence; despite these and other challenges, Asian American and Pacific Islander communities continue to arise; they have been a vital part of the development of Illinois and of the United States in every facet of public life and in the advancement of civil rights; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we declare May of 2023 as Asian American and Pacific Islander Heritage

[May 10, 2023]

Month in honor of the contributions made by the Asian American and Pacific Island residents and communities across Illinois.

### REPORTS FROM STANDING COMMITTEES

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

Senate Amendment No. 2 to Senate Bill 1071

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

Senator Castro, Chair of the Committee on Executive, to which was referred **House Bills Numbered 1204 and 2507**, reported the same back with the recommendation that the bills do pass.

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

Senator Castro, Chair of the Committee on Executive, to which was referred **House Bills Numbered 1204, 1342, 1440, 2352, 2502, 2862, 2878, 2911, 3144 and 3551**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

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

Senate Amendment No. 2 to House Bill 780

Senate Amendment No. 2 to House Bill 3129

Senate Amendment No. 1 to House Bill 3751

Senate Amendment No. 2 to House Bill 3751

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

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

Senate Amendment No. 2 to Senate Bill 851

Senate Amendment No. 1 to Senate Bill 1072

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

Senator Joyce, Chair of the Committee on State Government, to which was referred **House Bill No. 3892**, reported the same back with the recommendation that the bill do pass.

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

Senator Joyce, Chair of the Committee on State Government, to which was referred **House Bill No. 2054**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

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

Senate Amendment No. 2 to House Bill 3563

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

Senator Glowiak Hilton, Chair of the Committee on Licensed Activities, to which was referred **House Bill No. 2365**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

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

Senate Amendment No. 4 to House Bill 2077

Senate Amendment No. 5 to House Bill 2077

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

Senator Villanueva, Chair of the Committee on Revenue, to which was referred **House Bills Numbered 1109, 2539 and 2579**, reported the same back with the recommendation that the bills do pass.

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

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

Senate Amendment No. 4 to Senate Bill 895

Senate Amendment No. 3 to House Bill 475

Senate Amendment No. 2 to House Bill 1131

Senate Amendment No. 3 to House Bill 1131

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

At the hour of 7:09 o'clock p.m., the Chair announced that the Senate stands adjourned until Thursday, May 11, 2023, or until the call of the President.