SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED THIRD GENERAL ASSEMBLY

66TH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 8, 2023

10:27 O'CLOCK A.M.

NO. 66
[November 8, 2023]

SENATE
Daily Journal Index
66th Legislative Day

The Senate met pursuant to adjournment.
Senator Omar Aquino, Chicago, Illinois, presiding.
Prayer by Rabbi Arthur Stern, Temple Israel, Springfield, Illinois.
Senator Halpin led the Senate in the Pledge of Allegiance.

The Journal of Thursday, February 2, 2023, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Hunter moved that reading and approval of the Journals of Monday, November 6, 2023 and Tuesday, November 7, 2023, be postponed, pending arrival of the printed Journals.
The motion prevailed.

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. 2 to House Bill 1440
Amendment No. 3 to House Bill 3641

PRESENTATION OF CELEBRATION OF LIFE RESOLUTIONS

SENATE RESOLUTION NO. 591

Offered by Senator Harmon and all Senators:
Mourns the death of Elaine "Blondie" Kirk.

SENATE RESOLUTION NO. 592

Offered by Senator Harmon and all Senators:
Mourns the death of Daniel James "Dan" Foley of Oak Park.

SENATE RESOLUTION NO. 593

Offered by Senator Harmon and all Senators:
Mourns the passing of Spencer Adrian Tyson of Oak Park.

SENATE RESOLUTION NO. 594

Offered by Senator Harmon and all Senators:
Mourns the death of Harriet Hausman.

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

PRESENTATION OF RESOLUTION

Senator N. Harris offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 590

WHEREAS, Slavery provided much of the revenue for the young State of Illinois and severed ties between enslaved people and their ancestors, resulting in the erasure of family histories for both enslaved people and their descendants; and

WHEREAS, The U.S. has a social responsibility and duty towards African American descendants of enslaved individuals to provide the public service of assisting Black citizens in reconnecting with their ancestral history; the State of Illinois has an equal responsibility to Black Illinoisans; and

WHEREAS, Although Illinois is a northern state, slavery was prevalent within its boundaries before the Northwest Ordinance of 1787, and enslaved individuals still worked the salt springs of the Illinois Salines until 1825; slavery in the Illinois Salines was permitted because it provided as much as a third of the yearly revenue for the young State; indentured servitude at the salt springs continued until 1870; this history of slavery in Illinois deepens the responsibility of the State to assist African American citizens in recovering their lost history; and

WHEREAS, Since the first direct-to-consumer genetic ancestry test was pioneered in 2000, technological capabilities have vastly improved, enabling refined genetic genealogy that can trace ancestral connections over the past 500 years; given this advancement in technology, the U.S., honoring its moral obligation to descendants of enslaved Africans, is now exceptionally positioned to facilitate this reconnection through a genealogy-based pilot program; and

WHEREAS, In addition to restoring a sense of personal belonging and ethnic identity, both being critical for psychological well-being, genetic genealogical evidence provides descendants of enslaved African Americans with robust genetic evidentiary support of their African family origins; several African countries, including Ghana, Sierra Leone, Gabon, and Eritrea have begun offering citizenship to individuals who can trace their ancestry back to their respective country, including ancestry traced through genetic genealogy; improvements in genetic genealogical technology provide new found support for the desire expressed by president Abraham Lincoln in the Emancipation Proclamation to establish a voluntary repatriation program for African descendants to return to their African ancestral homelands; and

WHEREAS, Nearly all Black Americans can successfully trace their genetic ancestry to one or more African countries; today, there are currently 42 million African American descendants of those enslaved in the U.S.; the genetic analyses completed in the Genetic Consequences of the Transatlantic Slave Trade in the Americas study by Steven Micheletti and colleagues found that African Americans tend to have ancestry from four main regions in Atlantic Africa, including Nigeria, Senegambia (Gambia, Guinea, Guinea-Bissau, and Senegal), Coastal West Africa (Sierra Leone, Ghana, Côte d'Ivoire, and Liberia), and the Congo region, which includes Angola and the Democratic Republic of the Congo; approximately 71% of African American 23andMe research participants had detectable segments of DNA that are identical with current ethnolinguistic groups from all four Atlantic African regions stemming from a common ancestor; as documented by Jazlyn Mooney and her colleagues in their study On the Number of Genealogical Ancestors Tracing to the Source Groups of an Admixed Population, there is a high probability, over 97.5%, that an average African American can trace their ancestry back to at least one African ancestor from each of eight to 12 generations ago culminating in an approximate total of 269 African ancestors within this timeframe; and

WHEREAS, Approximately 15% of Black adults in the U.S. have taken consumer genetic genealogy tests; African Americans should not be economically burdened to obtain information regarding their ancestral history, which was forcibly taken from them through practices of slavery that economically benefited the growing United States; and

WHEREAS, Reparations have been granted to other groups residing in the U.S., yet African Americans have never been compensated to redress the racial harms enacted upon their person during times of slavery; while white slave owners were compensated for the emancipation of their slaves, enslaved individuals only had access to social support via the Freedmen's Bureau Act of 1865 and 1866, which provided basic needs including food, clothing, and shelter, due to the displacement of southerners after the Civil War; while the Evacuation Claims Act of 1948 and the Civil Liberties Act of 1988 paid reparations to Japanese Americans, up to $20,000 per survivor, and the Indian Claims Commission allocates approximately $1,000 per person, enslaved persons of African descent and their descendants have never received monetary compensation for the atrocities committed against them prior to the abolishment of slavery; this is despite there having been over 10 million African Americans human trafficked from their

families and homeland only to be forced to build the infrastructure of America and generate wealth for early white Americans; in 1989, H.R. 40 was introduced to establish a commission to investigate the impacts of enslavement and to evaluate proposals for reparation; though this resolution has been introduced for decades, it has not been passed; and

WHEREAS, It is technologically straightforward and a moral imperative to rectify the erasure of family histories resulting from slavery; it is now possible to establish a family roots genealogy pilot program that can equip descendants of enslaved African Americans with robust genetic evidentiary support of their African family origins; Dr. LaKisha David, an assistant professor at the University of Illinois (U of I) Urbana-Champaign in the Department of Anthropology, is a distinguished expert on reuniting African Americans with long lost kin in Africa through autosomal DNA genetic testing; she is a former postdoctoral fellow of Ethical, Legal, and Social Implications of Genetics and Genomics at the University of Pennsylvania's Perelman School of Medicine; she will be the principal investigator in establishing this genealogy-based family roots program; U of I's Department of Anthropology has expressed their commitment to these efforts and interest in ways they can continue to serve both reparative and decolonizing efforts of the State more generally; and

WHEREAS, The procedure will begin with the collection of saliva samples that will be processed at The Illinois Roy J. Carver Biotechnology Center, situated in Urbana, pending appropriation funding; once the processing is completed, the saliva samples will be securely destroyed; the resulting data will then be transferred to Nightingale, a high-performance computer cluster designed for sensitive data that is housed in the National Center for Supercomputing (NCSA) at the U of I at Urbana Champaign; using Nightingale ensures secure storage and provides powerful computation while adhering to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) regulations; the sample will be accompanied by a unique identifying code rather than participants' personal information; nongenetic data for this project will be stored in the U of I at Urbana-Champaign Research Electronic Data Capture (REDCap), a highly secure and robust web-based research data collection and management system; Illinois REDCap is among the systems and services that meet requirements established by HIPAA; participants logging in will receive results that are hosted on a HIPAA-compliant platform; for the protection of all participants, DNA samples collected may not be subjected for subpoenas or accessed for any other purposes; and

WHEREAS, Researchers cannot release or use information, documents, or samples that may identify participants in any action or suit unless the participant consents; researchers also cannot provide data as evidence unless participants have agreed; this protection includes federal, state, local, civil, criminal, administrative, legislative, or other proceedings; this does not stop participants from willingly releasing information about their involvement in this research and does not prevent participants from having access to their own information; and

WHEREAS, The U of I at Urbana-Champaign, established as a land-grant institution through the Morrill Act of 1862, was entrusted with a mission to democratize higher education and serve the public interest across Illinois and beyond; despite this intent, U of I's historical record is marked by periods of exclusion and insufficient representation of African Americans that cast a shadow over its commitment to true inclusivity; these specialized centers, backed by the State of Illinois, hold the potential to make amends and realign with the original vision of the land-grant mission; the centers carry a paramount duty to redress past neglect, actively engage with the African American community, and to emphasize the profound need to reconnect individuals to their ancestral roots; through this initiative, the centers have an opportunity, and indeed an obligation, to play a transformative role in facilitating understanding, reconnection, and healing, and, in doing so, work towards rectifying the U of I's historical shortcomings in relation to a community with a deeply impactful, yet often sidelined, history; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge support for the Family Roots Genealogy Pilot Program as it provides African American descendants of enslaved individuals the opportunity to trace their roots back to their ancestral homelands, to reconnect with their ancestral heritage, and to promote their well-being; and be it further

RESOLVED, That a copy of this resolution be presented to the Family Roots Genealogy Pilot Program as a symbol of our esteem and respect.

Senator Loughran Cappel asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator McClure asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 10:46 o'clock a.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 12:48 o'clock p.m., the Senate resumed consideration of business.
Senator Aquino, presiding.

INTRODUCTION OF BILLS

SENATE BILL NO. 2641. Introduced by Senator Holmes, a bill for AN ACT concerning regulation.
The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 2642. Introduced by Senator Glowiak Hilton, a bill for AN ACT concerning employment.
The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

At the hour of 1:10 o'clock p.m., Senator Koehler, presiding.

At the hour of 1:15 o'clock p.m., Senator Aquino, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its November 8, 2023 meeting, reported that the following Legislative Measures have been approved for consideration:

Floor Amendment No. 2 to House Bill 1440
Floor Amendment No. 3 to House Bill 3641

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

Senator Lightford, Chair of the Committee on Assignments, during its November 8, 2023 meeting, reported that the Committee recommends that **Floor Amendment No. 3 to House Bill 2473** be re-referred from the Committee on Executive to the Committee on Assignments.

Senator Lightford, Chair of the Committee on Assignments, during its November 8, 2023 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 3 to House Bill 2473

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

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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 690

A bill for AN ACT concerning local government.

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. 690

Passed the House, as amended, November 8, 2023.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 690

AMENDMENT NO. 1 . Amend Senate Bill 690 on page 10, page 22, by replacing "Section" with "Sections 3a and"; and

on page 10, immediately below line 22, by inserting the following:

"(405 ILCS 20/3a) (from Ch. 91 1/2, par. 303a)

(Text of Section before amendment by P.A. 103-274)

Sec. 3a. Every governmental unit authorized to levy an annual tax under any of the provisions of this Act shall, before it may levy such tax, establish a 7 member community mental health board who shall administer this Act. Such board shall be appointed by the chairman of the governing body of a county, the mayor of a city, the president of a village, the president of an incorporated town, or the supervisor of a township, as the case may be, with the advice and consent of the governing body of such county, city, village, incorporated town or the town board of trustees of any township. Members of the community mental health board shall be residents of the government unit and, as nearly as possible, be representative of interested groups of the community such as local health departments, medical societies, local comprehensive health planning agencies, hospital boards, lay associations concerned with mental health, developmental disabilities and substance abuse, as well as the general public. Only one member shall be a member of the governing body. The chairman of the governing body may, upon the request of the community mental health board, appoint 2 additional members to the community mental health board. No member of the community mental health board may be a full-time or part-time employee of the Department of Human Services or a board member, employee or any other individual receiving compensation from any facility or service operating under contract to the board. If a successful referendum is held under Section 5 of this Act, all members of such board shall be appointed within 60 days of the referendum. If a community mental health board has been established by a county with a population of less than 500,000 and the community mental health board is funded in whole or in part by a special mental health sales tax described in paragraph (4) of subsection (a) of Section 5-1006.5 of the Counties Code, the largest municipality in the county with at least 125,000 residents may appoint 2 additional members to the board. The members shall be appointed by the mayor of the municipality with the advice and consent of the municipality's governing body.

Home rule units are exempt from this Act. However, they may, by ordinance, adopt the provisions of this Act, or any portion thereof, that they may deem advisable.

The tax rate set forth in Section 4 may be levied by any non-home rule unit only pursuant to the approval by the voters at a referendum. Such referendum may have been held at any time subsequent to the effective date of the Community Mental Health Act.

(Source: P.A. 95-336, eff. 8-21-07.)

(Text of Section after amendment by P.A. 103-274)

Sec. 3a. Every governmental unit authorized to levy an annual tax under any of the provisions of this Act shall, before it may levy such tax, establish a 7 member community mental health board who shall administer this Act. Such board shall be appointed by the chairman of the governing body of a county, the mayor of a city, the president of a village, the president of an incorporated town, or the supervisor of a township, as the case may be, with the advice and consent of the governing body of such county, city, village, incorporated town or the town board of trustees of any township. Members of the community

mental health board shall be residents of the government unit and, as nearly as possible, be representative of interested groups of the community such as local health departments, medical societies, local comprehensive health planning agencies, hospital boards, lay associations concerned with mental health, developmental disabilities and substance abuse, as well as the general public. Only one member shall be a member of the governing body, with the term of membership on the board to run concurrently with the elected term of the member. The chairman of the governing body may, upon the request of the community mental health board, appoint 2 additional members to the community mental health board. No member of the community mental health board may be a full-time or part-time employee of the Department of Human Services or a board member, employee or any other individual receiving compensation from any facility or service operating under contract to the board. If a successful referendum is held under Section 5 of this Act, all members of such board shall be appointed within 60 days after the local election authority certifies the passage of the referendum. If a community mental health board has been established by a county with a population of less than 500,000 and the community mental health board is funded in whole or in part by a special mental health sales tax described in paragraph (4) of subsection (a) of Section 5-1006.5 of the Counties Code, the largest municipality in the county with at least 125,000 residents may appoint 2 additional members to the board. The members shall be appointed by the mayor of the municipality with the advice and consent of the municipality's governing body.

Home rule units are exempt from this Act. However, they may, by ordinance, adopt the provisions of this Act, or any portion thereof, that they may deem advisable.

The tax rate set forth in Section 4 may be levied by any non-home rule unit only pursuant to the approval by the voters at a referendum. Such referendum may have been held at any time subsequent to the effective date of the Community Mental Health Act.

(Source: P.A. 103-274, eff. 1-1-24.)".

Under the rules, the foregoing **Senate Bill No. 690**, 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 bills of the following titles, to-wit:

SENATE BILL NO. 382

A bill for AN ACT concerning civil law.

SENATE BILL NO. 384

A bill for AN ACT concerning civil law.

SENATE BILL NO. 765

A bill for AN ACT concerning regulation.

SENATE BILL NO. 767

A bill for AN ACT concerning regulation.

SENATE BILL NO. 950

A bill for AN ACT concerning civil law.

Passed the House, November 8, 2023.

JOHN W. HOLLMAN, Clerk of the House

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. 1 to Senate Bill 690

HOUSE BILL RECALLED

On motion of Senator Glowiak Hilton, **House Bill No. 1358** was recalled from the order of third reading to the order of second reading.

Senator Glowiak Hilton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 1358

AMENDMENT NO. 1 . Amend House Bill 1358 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.35 as follows:

(5 ILCS 80/4.35)

Sec. 4.35. Acts ~~Act~~ repealed on January 1, 2025. The following Acts are ~~Act is~~ repealed on January 1, 2025:

The Genetic Counselor Licensing Act.

The Illinois Certified Shorthand Reporters Act of 1984.

(Source: P.A. 98-813, eff. 1-1-15.)

(5 ILCS 80/4.34 rep.)

Section 10. The Regulatory Sunset Act is amended by repealing Section 4.34.

Section 15. The Illinois Administrative Procedure Act is amended by changing and renumbering Section 5-45.35, as added by Public Act 102-1115, as follows:

(5 ILCS 100/5-45.44)

(Section scheduled to be repealed on January 9, 2024)

Sec. 5-45.44 ~~5-45.35~~. Emergency rulemaking; Hate Crimes and Bias Incident Prevention and Response Fund and Local Chambers of Commerce Recovery Grants. To provide for the expeditious and timely implementation of Public Act 102-1115 ~~this amendatory Act of the 102nd General Assembly~~, emergency rules implementing Section 6z-138 of the State Finance Act may be adopted in accordance with Section 5-45 by the Department of Human Rights and emergency rules implementing Section 605-1105 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois may be adopted in accordance with Section 5-45 by the Department of Commerce and Economic Opportunity. 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 on March 31, 2024 ~~one year after the effective date of this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-1115, eff. 1-9-23; revised 9-27-23.)

Section 20. The Election Code is amended by changing Section 1-23 as follows:

(10 ILCS 5/1-23)

(Section scheduled to be repealed on June 1, 2024)

Sec. 1-23. Ranked-Choice and Voting Systems Task Force.

(a) The Ranked-Choice and Voting Systems Task Force is created. The purpose of the Task Force is to review voting systems and the methods of voting, including ranked-choice voting, that could be authorized by law. The Task Force shall have the following duties:

(1) Engage election officials, interested groups, and members of the public for the purpose of assessing the adoption and implementation of ranked-choice voting in presidential primary elections beginning in 2028.

(2) Review standards used to certify or approve the use of a voting system, including the standards adopted by the U.S. Election Assistance Commission and the State Board of Elections.

(3) Advise whether the voting system used by Illinois election authorities would be able to accommodate alternative methods of voting, including, but not limited to, ranked-choice voting.

(4) Make recommendations or suggestions for changes to the Election Code or administrative rules for certification of voting systems in Illinois to accommodate alternative methods of voting, including ranked-choice voting.

(b) On or before June 30, 2025 ~~March 1, 2024~~, the Task Force shall publish a final report of its findings and recommendations. The report shall, at a minimum, detail findings and recommendations related to the duties of the Task Force and the following:

(1) the process used in Illinois to certify voting systems, including which systems can conduct ranked-choice voting; and

(2) information about the voting system used by election authorities, including which election authorities rely on legacy hardware and software for voting and which counties and election authorities rely on equipment for voting that has not exceeded its usable life span but require a software upgrade to accommodate ranked-choice voting. In this paragraph, "legacy hardware and software" means equipment that has exceeded its usable life span.

(c) The Task Force shall consist of the following members:

(1) 4 members, appointed by the Senate President, including 2 members of the Senate and 2 members of the public;

(2) 4 members, appointed by the Speaker of the House of Representatives, including 2 members of the House of Representatives and 2 members of the public;

(3) 4 members, appointed by the Minority Leader of the Senate, including 2 members of the Senate and 2 members of the public;

(4) 4 members, appointed by the Minority Leader of the House of Representatives, including 2 members of the House of Representatives and 2 members of the public;

(5) 4 members, appointed by the Governor, including at least 2 members with knowledge and experience administering elections.

(d) Appointments to the Task Force shall be made within 30 days after the effective date of this amendatory Act of the 103rd General Assembly. Members shall serve without compensation.

(e) The Task Force shall meet at the call of a co-chair at least quarterly to fulfill its duties. At the first meeting of the Task Force, the Task Force shall elect one co-chair from the members appointed by the Senate President and one co-chair from the members appointed by the Speaker of the House of Representatives.

(f) The State Board of Elections shall provide administrative support for the Task Force.

(g) This Section is repealed, and the Task Force is dissolved, on July 1, 2025 ~~June 1, 2024~~.

(Source: P.A. 103-467, eff. 8-4-23.)

Section 25. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-1080 as follows:

(20 ILCS 605/605-1080)

(Section scheduled to be repealed on January 1, 2024)

Sec. 605-1080. Personal care products industry supplier disparity study.

(a) The Department shall compile and publish a disparity study by December 31, 2022 that: (1) evaluates whether there exists intentional discrimination at the supplier or distribution level for retailers of beauty products, cosmetics, hair care supplies, and personal care products in the State of Illinois; and (2) if so, evaluates the impact of such discrimination on the State and includes recommendations for reducing or eliminating any barriers to entry to those wishing to establish businesses at the retail level involving such products. The Department shall forward a copy of its findings and recommendations to the General Assembly and Governor.

(b) The Department may compile, collect, or otherwise gather data necessary for the administration of this Section and to carry out the Department's duty relating to the recommendation of policy changes. The Department shall compile all of the data into a single report, submit the report to the Governor and the General Assembly, and publish the report on its website.

(c) This Section is repealed on January 1, 2026 ~~2024~~.

(Source: P.A. 101-658, eff. 3-23-21; 102-813, eff. 5-13-22.)

Section 30. The Electric Vehicle Act is amended by changing Section 60 as follows:

(20 ILCS 627/60)

(Section scheduled to be repealed on January 1, 2024)

Sec. 60. Study on loss of infrastructure funds and replacement options. The Illinois Department of Transportation shall conduct a study to be delivered to the members of the Illinois General Assembly and made available to the public no later than September 30, 2022. The study shall consider how the proliferation of electric vehicles will adversely affect resources needed for transportation infrastructure and take into consideration any relevant federal actions. The study shall identify the potential revenue loss and offer multiple options for replacing those lost revenues. The Illinois Department of Transportation shall

collaborate with organizations representing businesses involved in designing and building transportation infrastructure, organized labor, the general business community, and users of the system. In addition, the Illinois Department of Transportation may collaborate with other state agencies, including but not limited to the Illinois Secretary of State and the Illinois Department of Revenue.

This Section is repealed on January 1, 2025 ~~2024~~.

(Source: P.A. 102-662, eff. 9-15-21; 102-673, eff. 11-30-21.)

Section 35. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Section 2705-620 as follows:

(20 ILCS 2705/2705-620)

(Section scheduled to be repealed on December 31, 2023)

Sec. 2705-620. Bond Reform in the Construction Industry Task Force.

(a) There is created the Bond Reform in the Construction Industry Task Force consisting of the following members:

(1) the Governor, or his or her designee;

(2) the State Treasurer, or his or her designee;

(3) the Director of Insurance, or his or her designee;

(4) 2 members appointed by the Speaker of the House of Representatives;

(5) 2 members appointed by the Minority Leader of the House of Representatives;

(6) 2 members appointed by the President of the Senate;

(7) 2 members appointed by the Minority Leader of the Senate; and

(8) 7 members representing the construction industry appointed by the Governor.

The Department of Transportation shall provide administrative support to the Task Force.

(b) The Task Force shall study innovative ways to reduce the cost of insurance in the private and public construction industry while protecting owners from risk of nonperformance. The Task Force shall consider options that include, but are not limited to, owner-financed insurance instead of contractor-financed insurance and alternative ways to manage risk other than bonds or other insurance products.

(c) The Task Force shall report its findings and recommendations to the General Assembly no later than July 1, 2024 ~~March 1, 2023~~.

(d) This Section is repealed December 31, 2024 ~~2023~~.

(Source: P.A. 102-1065, eff. 6-10-22.)

Section 40. The Illinois Power Agency Act is amended by changing Section 1-130 as follows:

(20 ILCS 3855/1-130)

(Section scheduled to be repealed on January 1, 2024)

Sec. 1-130. Home rule preemption.

(a) The authorization to impose any new taxes or fees specifically related to the generation of electricity by, the capacity to generate electricity by, or the emissions into the atmosphere by electric generating facilities after the effective date of this Act is an exclusive power and function of the State. A home rule unit may not levy any new taxes or fees specifically related to the generation of electricity by, the capacity to generate electricity by, or the emissions into the atmosphere by electric generating facilities after the effective date of this Act. This Section is a denial and limitation on home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

(b) This Section is repealed on January 1, 2025 ~~2024~~.

(Source: P.A. 101-639, eff. 6-12-20; 102-671, eff. 11-30-21; 102-1109, eff. 12-21-22.)

Section 45. The Crime Reduction Task Force Act is amended by changing Sections 1-15 and 1-20 as follows:

(20 ILCS 3926/1-15)

(Section scheduled to be repealed on March 1, 2024)

Sec. 1-15. Meetings; report.

(a) The Task Force shall meet at least 4 times with the first meeting occurring within 60 days after the effective date of this Act.

(b) The Task Force shall review available research and best practices and take expert and witness testimony.

(c) The Task Force shall produce and submit a report detailing the Task Force's findings, recommendations, and needed resources to the General Assembly and the Governor on or before June 30, 2024 ~~March 1, 2023~~.

(Source: P.A. 102-756, eff. 5-10-22.)

(20 ILCS 3926/1-20)

(Section scheduled to be repealed on March 1, 2024)

Sec. 1-20. Repeal. This Act is repealed on January 1, 2025 ~~March 1, 2024~~.

(Source: P.A. 102-756, eff. 5-10-22.)

Section 50. The Racial Disproportionality in Child Welfare Task Force Act is amended by changing Section 30 as follows:

(20 ILCS 4105/30)

(Section scheduled to be repealed on January 1, 2024)

Sec. 30. Repeal. The Task Force is dissolved, and this Act is repealed on, June 30, 2024 ~~January 1, 2024~~.

(Source: P.A. 102-506, eff. 8-20-21.)

Section 55. The Blue-Ribbon Commission on Transportation Infrastructure Funding and Policy Act is amended by changing Sections 25 and 30 as follows:

(20 ILCS 4116/25)

(Section scheduled to be repealed on February 1, 2024)

Sec. 25. Report. The Commission shall direct the Illinois Department of Transportation to enter into a contract with a third party to assist the Commission in producing a document that evaluates the topics under this Act and outline formal recommendations that can be acted upon by the General Assembly. The Commission shall report a summary of its activities and produce a final report of the data, findings, and recommendations to the General Assembly by July 1, 2025 ~~January 1, 2024~~. The final report shall include specific, actionable recommendations for legislation and organizational adjustments. The final report may include recommendations for pilot programs to test alternatives. The final report and recommendations shall also include any minority and individual views of task force members.

(Source: P.A. 102-988, eff. 5-27-22; 102-1129, eff. 2-10-23; reenacted by P.A. 103-461, eff. 8-4-23.)

(20 ILCS 4116/30)

(Section scheduled to be repealed on February 1, 2024)

Sec. 30. Repeal. This Commission is dissolved, and this Act is repealed, on August 1, 2025 ~~February 1, 2024~~.

(Source: P.A. 102-988, eff. 5-27-22; 102-1129, eff. 2-10-23; reenacted by P.A. 103-461, eff. 8-4-23.)

Section 60. The Comprehensive Licensing Information to Minimize Barriers Task Force Act is amended by changing Section 20 as follows:

(20 ILCS 4121/20)

(Section scheduled to be repealed on December 1, 2024)

Sec. 20. Report.

(a) The Task Force shall conduct an analysis of occupational licensing, including, but not limited to, processes, procedures, and statutory requirements for licensure administered by the Department. The findings of this analysis shall be delivered to the General Assembly, the Office of Management and Budget, the Department, and the public in the form of a final report. For the purpose of ensuring that historically and economically disadvantaged populations are centered in this analysis, the Task Force shall identify low-income and middle-income licensed occupations in this State and aggregate the information from those occupations under the occupations' respective regulatory board overseen by the Department to form the basis of the report.

(b) The report shall contain, to the extent available, information collected from sources including, but not limited to, the Department, department licensure boards, other State boards, relevant departments, or other bodies of the State, and supplementary data including, but not limited to, census statistics, federal reporting, or published research as follows:

(1) the number of license applications submitted compared with the number of licenses issued;

(2) data concerning the reason why licenses were denied or revoked and a ranking of the most common reasons for denial or revocation;

(3) an analysis of the information required of license applicants by the Department compared with the information that the Department is required by statute to verify, to ascertain if applicants are required to submit superfluous information;

(4) demographic information for the last 5 years of (i) active license holders, (ii) license holders who were disciplined in that period, (iii) license holders whose licenses were revoked in that period, and (iv) license applicants who were not issued licenses;

(5) data aggregated from the last 5 years of monthly enforcement reports, including a ranking of the most common reasons for public discipline;

(6) the cost of licensure to the individual, including, but not limited to, the fees for initial licensure and renewal, the average cost of training and testing required for initial licensure, and the average cost of meeting continuing education requirements for license renewal;

(7) the locations within this State of each program or school that provides the required training and testing needed to obtain or renew a license, and whether the required training and testing can be fulfilled online;

(8) the languages in which the required training or testing is offered;

(9) the acceptance rates, graduation rates, and dropout rates of the training facilities that provide required training;

(10) the percentage of students at each school that offers required training who financed the required training through student loans; and

(11) the average annual salary of those in the occupation.

(c) The final report shall also contain a general description of the steps taken by the Task Force to fulfill the report criteria and shall include in an appendix of the report any results of the Task Force's analysis in the form of graphs, charts, or other data visualizations. The Task Force shall also exercise due care in the reporting of this information to protect sensitive information of personal or proprietary value or information that would risk the security of residents of this State.

(d) The Task Force shall publish the final report by December 1, 2024 ~~2023~~ with recommendations to the General Assembly, including recommendations for continued required reporting from the Department to better support the General Assembly in revoking, modifying, or creating new licensing Acts.

(Source: P.A. 102-1078, eff. 6-10-22.)

Section 65. The Money Laundering in Real Estate Task Force Act is amended by changing Section 5-15 as follows:

(20 ILCS 4123/5-15)

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

Sec. 5-15. Reports. The Task Force shall submit a report to the Governor and the General Assembly not later than 24 ~~12~~ months after the effective date of this Act. The report shall include the Task Force's findings and shall summarize the actions the Task Force has taken and those it intends to take in response to its obligations under the Act. After it submits its initial report, the Task Force shall periodically submit reports to the Governor and the General Assembly as the chairperson of the Task Force deems necessary to apprise those officials of any additional findings made or actions taken by the Task Force. The obligation of the Task Force to submit periodic reports shall continue for the duration of the Task Force.

(Source: P.A. 102-1108, eff. 12-21-22.)

Section 70. The Human Trafficking Task Force Act is amended by changing Section 25 as follows:

(20 ILCS 5086/25)

(Section scheduled to be repealed on July 1, 2024)

Sec. 25. Task force abolished; Act repealed. The Human Trafficking Task Force is abolished and this Act is repealed on July 1, 2025 ~~2024~~.

(Source: P.A. 102-323, eff. 8-6-21.)

Section 75. The Kidney Disease Prevention and Education Task Force Act is amended by changing Section 10-15 as follows:

(20 ILCS 5160/10-15)

(Section scheduled to be repealed on June 1, 2024)

Sec. 10-15. Repeal. This Act is repealed on June 1, 2026 ~~2024~~.

(Source: P.A. 101-649, eff. 7-7-20; 102-671, eff. 11-30-21.)

Section 80. The Business Enterprise for Minorities, Women, and Persons with Disabilities Act is amended by changing Section 9 as follows:

(30 ILCS 575/9) (from Ch. 127, par. 132.609)

(Section scheduled to be repealed on June 30, 2024)

Sec. 9. This Act is repealed June 30, 2029 ~~2024~~.

(Source: P.A. 101-170, eff. 1-1-20.)

Section 85. The Counties Code is amended by changing Sections 3-5010.8, 4-11001.5, 5-41065, and 5-43043 as follows:

(55 ILCS 5/3-5010.8)

(Text of Section before amendment by P.A. 103-400)

(Section scheduled to be repealed on January 1, 2024)

Sec. 3-5010.8. Mechanics lien demand and referral pilot program.

(a) Legislative findings. The General Assembly finds that expired mechanics liens on residential property, which cloud title to property, are a rapidly growing problem throughout the State. In order to address the increase in expired mechanics liens and, more specifically, those that have not been released by the lienholder, a recorder may establish a process to demand and refer mechanics liens that have been recorded but not litigated or released in accordance with the Mechanics Lien Act to an administrative law judge for resolution or demand that the lienholder commence suit or forfeit the lien.

(b) Definitions. As used in this Section:

"Demand to Commence Suit" means the written demand specified in Section 34 of the Mechanics Lien Act.

"Mechanics lien" and "lien" are used interchangeably in this Section.

"Notice of Expired Mechanics Lien" means the notice a recorder gives to a property owner under subsection (d) informing the property owner of an expired lien.

"Notice of Referral" means the document referring a mechanics lien to a county's code hearing unit.

"Recording" and "filing" are used interchangeably in this Section.

"Referral" or "refer" means a recorder's referral of a mechanics lien to a county's code hearing unit to obtain a determination as to whether a recorded mechanics lien is valid.

"Residential property" means real property improved with not less than one nor more than 4 residential dwelling units; a residential condominium unit, including, but not limited to, the common elements allocated to the exclusive use of the condominium unit that form an integral part of the condominium unit and any parking unit or units specified by the declaration to be allocated to a specific residential condominium unit; or a single tract of agriculture real estate consisting of 40 acres or less that is improved with a single-family residence. If a declaration of condominium ownership provides for individually owned and transferable parking units, "residential property" does not include the parking unit of a specified residential condominium unit unless the parking unit is included in the legal description of the property against which the mechanics lien is recorded.

(c) Establishment of a mechanics lien demand and referral process. After a public hearing, a recorder in a county with a code hearing unit may adopt rules establishing a mechanics lien demand and referral process for residential property. A recorder shall provide public notice 90 days before the public hearing. The notice shall include a statement of the recorder's intent to create a mechanics lien demand and referral process and shall be published in a newspaper of general circulation in the county and, if feasible, be posted on the recorder's website and at the recorder's office or offices.

(d) Notice of Expired Lien. If a recorder determines, after review by legal staff or counsel, that a mechanics lien recorded in the grantor's index or the grantee's index is an expired lien, the recorder shall serve a Notice of Expired Lien by certified mail to the last known address of the owner. The owner or legal representative of the owner of the residential property shall confirm in writing his or her belief that the lien is not involved in pending litigation and, if there is no pending litigation, as verified and confirmed by county court records, the owner may request that the recorder proceed with a referral or serve a Demand to Commence Suit.

For the purposes of this Section, a recorder shall determine if a lien is an expired lien. A lien is expired if a suit to enforce the lien has not been commenced or a counterclaim has not been filed by the lienholder within 2 years after the completion date of the contract as specified in the recorded mechanics lien. The 2-year period shall be increased to the extent that an automatic stay under Section 362(a) of the

United States Bankruptcy Code stays a suit or counterclaim to foreclose the lien. If a work completion date is not specified in the recorded lien, then the work completion date is the date of recording of the mechanics lien.

(e) Demand to Commence Suit. Upon receipt of an owner's confirmation that the lien is not involved in pending litigation and a request for the recorder to serve a Demand to Commence Suit, the recorder shall serve a Demand to Commence Suit on the lienholder of the expired lien as provided in Section 34 of the Mechanics Lien Act. A recorder may request that the Secretary of State assist in providing registered agent information or obtain information from the Secretary of State's registered business database when the recorder seeks to serve a Demand to Commence suit on the lienholder. Upon request, the Secretary of State, or his or her designee, shall provide the last known address or registered agent information for a lienholder who is incorporated or doing business in the State. The recorder must record a copy of the Demand to Commence suit in the grantor's index or the grantee's index identifying the mechanics lien and include the corresponding document number and the date of demand. The recorder may, at his or her discretion, notify the Secretary of State regarding a Demand to Commence suit determined to involve a company, corporation, or business registered with that office.

When the lienholder commences a suit or files an answer within 30 days or the lienholder records a release of lien with the county recorder as required by subsection (a) of Section 34 of the Mechanics Lien Act, then the demand and referral process is completed for the recorder for that property. If service under this Section is responded to consistent with Section 34 of the Mechanics Lien Act, the recorder may not proceed under subsection (f). If no response is received consistent with Section 34 of the Mechanics Lien Act, the recorder may proceed under subsection (f).

(f) Referral. Upon receipt of an owner's confirmation that the lien is not involved in pending litigation and a request for the recorder to proceed with a referral, the recorder shall: (i) file the Notice of Referral with the county's code hearing unit; (ii) identify and notify the lienholder by telephone, if available, of the referral and send a copy of the Notice of Referral by certified mail to the lienholder using information included in the recorded mechanics lien or the last known address or registered agent received from the Secretary of State or obtained from the Secretary of State's registered business database; (iii) send a copy of the Notice of Referral by mail to the physical address of the property owner associated with the lien; and (iv) record a copy of the Notice of Referral in the grantor's index or the grantee's index identifying the mechanics lien and include the corresponding document number. The Notice of Referral shall clearly identify the person, persons, or entity believed to be the owner, assignee, successor, or beneficiary of the lien. The recorder may, at his or her discretion, notify the Secretary of State regarding a referral determined to involve a company, corporation, or business registered with that office.

No earlier than 30 business days after the date the lienholder is required to respond to a Demand to Commence Suit under Section 34 of the Mechanics Lien Act, the code hearing unit shall schedule a hearing to occur at least 30 days after sending notice of the date of hearing. Notice of the hearing shall be provided by the county recorder, by and through his or her representative, to the filer, or the party represented by the filer, of the expired lien, the legal representative of the recorder of deeds who referred the case, and the last owner of record, as identified in the Notice of Referral.

If the recorder shows by clear and convincing evidence that the lien in question is an expired lien, the administrative law judge shall rule the lien is forfeited under Section 34.5 of the Mechanics Lien Act and that the lien no longer affects the chain of title of the property in any way. The judgment shall be forwarded to all parties identified in this subsection. Upon receiving judgment of a forfeited lien, the recorder shall, within 5 business days, record a copy of the judgment in the grantor's index or the grantee's index.

If the administrative law judge finds the lien is not expired, the recorder shall, no later than 5 business days after receiving notice of the decision of the administrative law judge, record a copy of the judgment in the grantor's index or the grantee's index.

A decision by an administrative law judge is reviewable under the Administrative Review Law, and nothing in this Section precludes a property owner or lienholder from proceeding with a civil action to resolve questions concerning a mechanics lien.

A lienholder or property owner may remove the action from the code hearing unit to the circuit court as provided in subsection (i).

(g) Final administrative decision. The recorder's decision to refer a mechanics lien or serve a Demand to Commence Suit is a final administrative decision that is subject to review under the Administrative Review Law by the circuit court of the county where the real property is located. The standard of review by the circuit court shall be consistent with the Administrative Review Law.

(h) Liability. A recorder and his or her employees or agents are not subject to personal liability by reason of any error or omission in the performance of any duty under this Section, except in the case of willful or wanton conduct. The recorder and his or her employees or agents are not liable for the decision to refer a lien or serve a Demand to Commence Suit, or failure to refer or serve a Demand to Commence Suit, of a lien under this Section.

(i) Private actions; use of demand and referral process. Nothing in this Section precludes a private right of action by any party with an interest in the property affected by the mechanics lien or a decision by the code hearing unit. Nothing in this Section requires a person or entity who may have a mechanics lien recorded against his or her property to use the mechanics lien demand and referral process created by this Section.

A lienholder or property owner may remove a matter in the referral process to the circuit court at any time prior to the final decision of the administrative law judge by delivering a certified notice of the suit filed in the circuit court to the administrative law judge. Upon receipt of the certified notice, the administrative law judge shall dismiss the matter without prejudice. If the matter is dismissed due to removal, then the demand and referral process is completed for the recorder for that property. If the circuit court dismisses the removed matter without deciding on whether the lien is expired and without prejudice, the recorder may reinstitute the demand and referral process under subsection (d).

(j) Repeal. This Section is repealed on January 1, 2026 ~~2024~~.

(Source: P.A. 101-296, eff. 8-9-19; 102-671, eff. 11-30-21.)

(Text of Section after amendment by P.A. 103-400)

(Section scheduled to be repealed on January 1, 2024)

Sec. 3-5010.8. Mechanics lien demand and referral pilot program.

(a) Legislative findings. The General Assembly finds that expired mechanics liens on residential property, which cloud title to property, are a rapidly growing problem throughout the State. In order to address the increase in expired mechanics liens and, more specifically, those that have not been released by the lienholder, a recorder may establish a process to demand and refer mechanics liens that have been recorded but not litigated or released in accordance with the Mechanics Lien Act to an administrative law judge for resolution or demand that the lienholder commence suit or forfeit the lien.

(b) Definitions. As used in this Section:

"Demand to Commence Suit" means the written demand specified in Section 34 of the Mechanics Lien Act.

"Mechanics lien" and "lien" are used interchangeably in this Section.

"Notice of Expired Mechanics Lien" means the notice a recorder gives to a property owner under subsection (d) informing the property owner of an expired lien.

"Notice of Referral" means the document referring a mechanics lien to a county's code hearing unit.

"Recording" and "filing" are used interchangeably in this Section.

"Referral" or "refer" means a recorder's referral of a mechanics lien to a county's code hearing unit to obtain a determination as to whether a recorded mechanics lien is valid.

"Residential property" means real property improved with not less than one nor more than 4 residential dwelling units; a residential condominium unit, including, but not limited to, the common elements allocated to the exclusive use of the condominium unit that form an integral part of the condominium unit and any parking unit or units specified by the declaration to be allocated to a specific residential condominium unit; or a single tract of agriculture real estate consisting of 40 acres or less that is improved with a single-family residence. If a declaration of condominium ownership provides for individually owned and transferable parking units, "residential property" does not include the parking unit of a specified residential condominium unit unless the parking unit is included in the legal description of the property against which the mechanics lien is recorded.

(c) Establishment of a mechanics lien demand and referral process. After a public hearing, a recorder in a county with a code hearing unit may adopt rules establishing a mechanics lien demand and referral process for residential property. A recorder shall provide public notice 90 days before the public hearing. The notice shall include a statement of the recorder's intent to create a mechanics lien demand and referral process and shall be published in a newspaper of general circulation in the county and, if feasible, be posted on the recorder's website and at the recorder's office or offices.

(d) Notice of Expired Lien. If a recorder determines, after review by legal staff or counsel, that a mechanics lien recorded in the grantor's index or the grantee's index is an expired lien, the recorder shall

serve a Notice of Expired Lien by certified mail to the last known address of the owner. The owner or legal representative of the owner of the residential property shall confirm in writing the owner's or legal representative's belief that the lien is not involved in pending litigation and, if there is no pending litigation, as verified and confirmed by county court records, the owner may request that the recorder proceed with a referral or serve a Demand to Commence Suit.

For the purposes of this Section, a recorder shall determine if a lien is an expired lien. A lien is expired if a suit to enforce the lien has not been commenced or a counterclaim has not been filed by the lienholder within 2 years after the completion date of the contract as specified in the recorded mechanics lien. The 2-year period shall be increased to the extent that an automatic stay under Section 362(a) of the United States Bankruptcy Code stays a suit or counterclaim to foreclose the lien. If a work completion date is not specified in the recorded lien, then the work completion date is the date of recording of the mechanics lien.

(e) Demand to Commence Suit. Upon receipt of an owner's confirmation that the lien is not involved in pending litigation and a request for the recorder to serve a Demand to Commence Suit, the recorder shall serve a Demand to Commence Suit on the lienholder of the expired lien as provided in Section 34 of the Mechanics Lien Act. A recorder may request that the Secretary of State assist in providing registered agent information or obtain information from the Secretary of State's registered business database when the recorder seeks to serve a Demand to Commence suit on the lienholder. Upon request, the Secretary of State, or the Secretary of State's designee, shall provide the last known address or registered agent information for a lienholder who is incorporated or doing business in the State. The recorder must record a copy of the Demand to Commence suit in the grantor's index or the grantee's index identifying the mechanics lien and include the corresponding document number and the date of demand. The recorder may, at the recorder's discretion, notify the Secretary of State regarding a Demand to Commence suit determined to involve a company, corporation, or business registered with that office.

When the lienholder commences a suit or files an answer within 30 days or the lienholder records a release of lien with the county recorder as required by subsection (a) of Section 34 of the Mechanics Lien Act, then the demand and referral process is completed for the recorder for that property. If service under this Section is responded to consistent with Section 34 of the Mechanics Lien Act, the recorder may not proceed under subsection (f). If no response is received consistent with Section 34 of the Mechanics Lien Act, the recorder may proceed under subsection (f).

(f) Referral. Upon receipt of an owner's confirmation that the lien is not involved in pending litigation and a request for the recorder to proceed with a referral, the recorder shall: (i) file the Notice of Referral with the county's code hearing unit; (ii) identify and notify the lienholder by telephone, if available, of the referral and send a copy of the Notice of Referral by certified mail to the lienholder using information included in the recorded mechanics lien or the last known address or registered agent received from the Secretary of State or obtained from the Secretary of State's registered business database; (iii) send a copy of the Notice of Referral by mail to the physical address of the property owner associated with the lien; and (iv) record a copy of the Notice of Referral in the grantor's index or the grantee's index identifying the mechanics lien and include the corresponding document number. The Notice of Referral shall clearly identify the person, persons, or entity believed to be the owner, assignee, successor, or beneficiary of the lien. The recorder may, at the recorder's discretion, notify the Secretary of State regarding a referral determined to involve a company, corporation, or business registered with that office.

No earlier than 30 business days after the date the lienholder is required to respond to a Demand to Commence Suit under Section 34 of the Mechanics Lien Act, the code hearing unit shall schedule a hearing to occur at least 30 days after sending notice of the date of hearing. Notice of the hearing shall be provided by the county recorder, by and through the recorder's representative, to the filer, or the party represented by the filer, of the expired lien, the legal representative of the recorder of deeds who referred the case, and the last owner of record, as identified in the Notice of Referral.

If the recorder shows by clear and convincing evidence that the lien in question is an expired lien, the administrative law judge shall rule the lien is forfeited under Section 34.5 of the Mechanics Lien Act and that the lien no longer affects the chain of title of the property in any way. The judgment shall be forwarded to all parties identified in this subsection. Upon receiving judgment of a forfeited lien, the recorder shall, within 5 business days, record a copy of the judgment in the grantor's index or the grantee's index.

If the administrative law judge finds the lien is not expired, the recorder shall, no later than 5 business days after receiving notice of the decision of the administrative law judge, record a copy of the judgment in the grantor's index or the grantee's index.

A decision by an administrative law judge is reviewable under the Administrative Review Law, and nothing in this Section precludes a property owner or lienholder from proceeding with a civil action to resolve questions concerning a mechanics lien.

A lienholder or property owner may remove the action from the code hearing unit to the circuit court as provided in subsection (i).

(g) Final administrative decision. The recorder's decision to refer a mechanics lien or serve a Demand to Commence Suit is a final administrative decision that is subject to review under the Administrative Review Law by the circuit court of the county where the real property is located. The standard of review by the circuit court shall be consistent with the Administrative Review Law.

(h) Liability. A recorder and the recorder's employees or agents are not subject to personal liability by reason of any error or omission in the performance of any duty under this Section, except in the case of willful or wanton conduct. The recorder and the recorder's employees or agents are not liable for the decision to refer a lien or serve a Demand to Commence Suit, or failure to refer or serve a Demand to Commence Suit, of a lien under this Section.

(i) Private actions; use of demand and referral process. Nothing in this Section precludes a private right of action by any party with an interest in the property affected by the mechanics lien or a decision by the code hearing unit. Nothing in this Section requires a person or entity who may have a mechanics lien recorded against the person's or entity's property to use the mechanics lien demand and referral process created by this Section.

A lienholder or property owner may remove a matter in the referral process to the circuit court at any time prior to the final decision of the administrative law judge by delivering a certified notice of the suit filed in the circuit court to the administrative law judge. Upon receipt of the certified notice, the administrative law judge shall dismiss the matter without prejudice. If the matter is dismissed due to removal, then the demand and referral process is completed for the recorder for that property. If the circuit court dismisses the removed matter without deciding on whether the lien is expired and without prejudice, the recorder may reinstitute the demand and referral process under subsection (d).

(j) Repeal. This Section is repealed on January 1, 2026 ~~2024~~.

(Source: P.A. 102-671, eff. 11-30-21; 103-400, eff. 1-1-24.)

(55 ILCS 5/4-11001.5)

(Section scheduled to be repealed on January 1, 2024)

Sec. 4-11001.5. Lake County Children's Advocacy Center Pilot Program.

(a) The Lake County Children's Advocacy Center Pilot Program is established. Under the Pilot Program, any grand juror or petit juror in Lake County may elect to have his or her juror fees earned under Section 4-11001 of this Code to be donated to the Lake County Children's Advocacy Center, a division of the Lake County State's Attorney's office.

(b) On or before January 1, 2017, the Lake County board shall adopt, by ordinance or resolution, rules and policies governing and effectuating the ability of jurors to donate their juror fees to the Lake County Children's Advocacy Center beginning January 1, 2017 and ending December 31, 2018. At a minimum, the rules and policies must provide:

(1) for a form that a juror may fill out to elect to donate his or her juror fees. The form must contain a statement, in at least 14-point bold type, that donation of juror fees is optional;

(2) that all monies donated by jurors shall be transferred by the county to the Lake County Children's Advocacy Center at the same time a juror is paid under Section 4-11001 of this Code who did not elect to donate his or her juror fees; and

(3) that all juror fees donated under this Section shall be used exclusively for the operation of Lake County Children's Advocacy Center.

The Lake County board shall adopt an ordinance or resolution reestablishing the rules and policies previously adopted under this subsection allowing a juror to donate his or her juror fees to the Lake County Children's Advocacy Center through December 31, 2021.

(c) The following information shall be reported to the General Assembly and the Governor by the Lake County board after each calendar year of the Pilot Program on or before March 31, 2018, March 31, 2019, July 1, 2020, and July 1, 2021:

(1) the number of grand and petit jurors who earned fees under Section 4-11001 of this Code during the previous calendar year;

(2) the number of grand and petit jurors who donated fees under this Section during the previous calendar year;

(3) the amount of donated fees under this Section during the previous calendar year;

(4) how the monies donated in the previous calendar year were used by the Lake County Children's Advocacy Center; and

(5) how much cost there was incurred by Lake County and the Lake County State's Attorney's office in the previous calendar year in implementing the Pilot Program.

(d) This Section is repealed on January 1, 2026 ~~2024~~.

(Source: P.A. 101-612, eff. 12-20-19; 102-671, eff. 11-30-21.)

(55 ILCS 5/5-41065)

(Section scheduled to be repealed on January 1, 2024)

Sec. 5-41065. Mechanics lien demand and referral adjudication.

(a) Notwithstanding any other provision in this Division, a county's code hearing unit must adjudicate an expired mechanics lien referred to the unit under Section 3-5010.8.

(b) If a county does not have an administrative law judge in its code hearing unit who is familiar with the areas of law relating to mechanics liens, one may be appointed no later than 3 months after the effective date of this amendatory Act of the 100th General Assembly to adjudicate all referrals concerning mechanics liens under Section 3-5010.8.

(c) If an administrative law judge familiar with the areas of law relating to mechanics liens has not been appointed as provided subsection (b) when a mechanics lien is referred under Section 3-5010.8 to the code hearing unit, the case shall be removed to the proper circuit court with jurisdiction.

(d) This Section is repealed on January 1, 2026 ~~2024~~.

(Source: P.A. 102-671, eff. 11-30-21.)

(55 ILCS 5/5-43043)

(Section scheduled to be repealed on January 1, 2024)

Sec. 5-43043. Mechanics lien demand and referral adjudication.

(a) Notwithstanding any other provision in this Division, a county's code hearing unit must adjudicate an expired mechanics lien referred to the unit under Section 3-5010.8.

(b) If a county does not have an administrative law judge in its code hearing unit who is familiar with the areas of law relating to mechanics liens, one may be appointed no later than 3 months after the effective date of this amendatory Act of the 100th General Assembly to adjudicate all referrals concerning mechanics liens under Section 3-5010.8.

(c) If an administrative law judge familiar with the areas of law relating to mechanics liens has not been appointed as provided subsection (b) when a mechanics lien is referred under Section 3-5010.8 to the code hearing unit, the case shall be removed to the proper circuit court with jurisdiction.

(d) This Section is repealed on January 1, 2026 ~~2024~~.

(Source: P.A. 102-671, eff. 11-30-21.)

Section 90. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.22 as follows:

(210 ILCS 50/3.22)

Sec. 3.22. EMT Training, Recruitment, and Retention Task Force.

(a) The EMT Training, Recruitment, and Retention Task Force is created to address the following:

(1) the impact that the EMT and Paramedic shortage is having on this State's EMS System and health care system;

(2) barriers to the training, recruitment, and retention of Emergency Medical Technicians throughout this State;

(3) steps that the State of Illinois can take, including coordination and identification of State and federal funding sources, to assist Illinois high schools, community colleges, and ground ambulance providers to train, recruit, and retain emergency medical technicians;

(4) the examination of current testing mechanisms for EMRs, EMTs, and Paramedics and the utilization of the National Registry of Emergency Medical Technicians, including current pass rates by licensure level, national utilization, and test preparation strategies;

(5) how apprenticeship programs, local, regional, and statewide, can be utilized to recruit and retain EMRs, EMTs, and Paramedics;

(6) how ground ambulance reimbursement affects the recruitment and retention of EMTs and Paramedics; and

(7) all other areas that the Task Force deems necessary to examine and assist in the recruitment and retention of EMTs and Paramedics.

(b) The Task Force shall be comprised of the following members:

(1) one member of the Illinois General Assembly, appointed by the President of the Senate, who shall serve as co-chair;

(2) one member of the Illinois General Assembly, appointed by the Speaker of the House of Representatives;

(3) one member of the Illinois General Assembly, appointed by the Senate Minority Leader;

(4) one member of the Illinois General Assembly, appointed by the House Minority Leader, who shall serve as co-chair;

(5) 9 members representing private ground ambulance providers throughout this State representing for-profit and non-profit rural and urban ground ambulance providers, appointed by the President of the Senate;

(6) 3 members representing hospitals, appointed by the Speaker of the House of Representatives, with one member representing safety-net ~~safety-net~~ hospitals and one member representing rural hospitals;

(7) 3 members representing a statewide association of nursing homes, appointed by the President of the Senate;

(8) one member representing the State Board of Education, appointed by the House Minority Leader;

(9) 2 EMS Medical Directors from a Regional EMS Medical Directors Committee, appointed by the Governor; and

(10) one member representing the Illinois Community College Systems, appointed by the Minority Leader of the Senate.

(c) Members of the Task Force shall serve without compensation.

(d) The Task Force shall convene at the call of the co-chairs and shall hold at least 6 meetings.

(e) The Task Force shall submit its final report to the General Assembly and the Governor no later than September 1, 2024 ~~January 1, 2024~~, and upon the submission of its final report, the Task Force shall be dissolved.

(Source: P.A. 103-547, eff. 8-11-23; revised 10-25-23.)

Section 95. The Environmental Protection Act is amended by changing Section 9.18 as follows:

(415 ILCS 5/9.18)

(Section scheduled to be repealed on January 1, 2024)

Sec. 9.18. Commission on market-based carbon pricing solutions.

(a) In the United States, state-based market policies to reduce greenhouse gases have been in operation since 2009. More than a quarter of the US population lives in a state with carbon pricing and these states represent one-third of the United States' gross domestic product. Market-based policies have proved effective at reducing emissions in states across the United States, and around the world. Additionally, well-designed carbon pricing incentivizes energy efficiency and drives investments in low-carbon solutions and technologies, such as renewables, hydrogen, biofuels, and carbon capture, use, and storage. Illinois must assess available suites of programs and policies to support a rapid, economy-wide decarbonization and spur the development of a clean energy economy in the State, while maintaining Illinois' competitive advantage.

(b) The Governor is hereby authorized to create a carbon pricing commission to study the short-term and long-term impacts of joining, implementing, or designing a sector-based, statewide, or regional carbon pricing program. The commission shall analyze and compare the relative cost of, and greenhouse gas reductions from, various carbon pricing programs available to Illinois and the Midwest, including, but not limited to: the Regional Greenhouse Gas Initiative (RGGI), the Transportation and Climate Initiative (TCI), California's cap-and-trade program, California's low carbon fuel standard, Washington State's cap-and-invest program, the Oregon Clean Fuels Program, and other relevant market-based programs. At the conclusion of the study, no later than December 31, 2022, the commission shall issue a public report containing its findings.

(c) This Section is repealed on January 1, 2025 ~~2024~~.

(Source: P.A. 102-662, eff. 9-15-21.)

Section 100. The Illinois Vehicle Code is amended by changing Section 3-692 as follows:

(625 ILCS 5/3-692)

(Section scheduled to be repealed on January 1, 2024)

Sec. 3-692. Soil and Water Conservation District Plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Soil and Water Conservation District license plates. The special Soil and Water Conservation District plate issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, must accompany each application. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Soil and Water Conservation District Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Soil and Water Conservation District Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Soil and Water Conservation District Fund is created as a special fund in the State treasury. All money in the Soil and Water Conservation District Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to Illinois soil and water conservation districts for projects that conserve and restore soil and water in Illinois. All interest earned on moneys in the Fund shall be deposited into the Fund. The Fund shall not be subject to administrative charges or chargebacks, such as but not limited to those authorized under Section 8h of the State Finance Act.

(e) Notwithstanding any other provision of law, on July 1, 2023, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Soil and Water Conservation District Fund into the Partners for Conservation Fund. Upon completion of the transfers, the Soil and Water Conservation District Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund shall pass to the Partners for Conservation Fund.

(f) This Section is repealed on January 1, 2025 ~~2024~~.

(Source: P.A. 103-8, eff. 6-7-23.)

Section 105. The Illinois Controlled Substances Act is amended by changing Section 311.6 as follows:

(720 ILCS 570/311.6)

(Text of Section before amendment by P.A. 103-425)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 311.6. Opioid prescriptions.

(a) Notwithstanding any other provision of law, a prescription for a substance classified in Schedule II, III, IV, or V must be sent electronically, in accordance with Section 316. Prescriptions sent in accordance with this subsection (a) must be accepted by the dispenser in electronic format.

(b) Notwithstanding any other provision of this Section or any other provision of law, a prescriber shall not be required to issue prescriptions electronically if he or she certifies to the Department of Financial and Professional Regulation that he or she will not issue more than 25 prescriptions during a 12-month period. Prescriptions in both oral and written form for controlled substances shall be included in determining whether the prescriber will reach the limit of 25 prescriptions.

(c) The Department of Financial and Professional Regulation shall adopt rules for the administration of this Section. These rules shall provide for the implementation of any such exemption to the requirements under this Section that the Department of Financial and Professional Regulation may deem appropriate, including the exemption provided for in subsection (b).

(Source: P.A. 102-490, eff. 1-1-24 (See Section 55 of P.A. 102-1109 for effective date of P.A. 102-490).)

(Text of Section after amendment by P.A. 103-425)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 311.6. Opioid prescriptions.

(a) Notwithstanding any other provision of law, a prescription for a substance classified in Schedule II, III, IV, or V must be sent electronically, in accordance with Section 316. Prescriptions sent in accordance with this subsection (a) must be accepted by the dispenser in electronic format.

(b) Beginning on the effective date of this amendatory Act of the 103rd General Assembly until December 31, 2028, notwithstanding any other provision of this Section or any other provision of law, a prescriber shall not be required to issue prescriptions electronically if he or she certifies to the Department of Financial and Professional Regulation that he or she will not issue more than 150 prescriptions during a 12-month period. Prescriptions in both oral and written form for controlled substances shall be included in determining whether the prescriber will reach the limit of 150 prescriptions. Beginning January 1, 2029, notwithstanding any other provision of this Section or any other provision of law, a prescriber shall not be required to issue prescriptions electronically if he or she certifies to the Department of Financial and Professional Regulation that he or she will not issue more than 50 prescriptions during a 12-month period. Prescriptions in both oral and written form for controlled substances shall be included in determining whether the prescriber will reach the limit of 50 prescriptions.

(b-5) Notwithstanding any other provision of this Section or any other provision of law, a prescriber shall not be required to issue prescriptions electronically under the following circumstances:

(1) prior to January 1, 2026, the prescriber demonstrates financial difficulties in buying or managing an electronic prescription option, whether it is an electronic health record or some other electronic prescribing product;

(2) on and after January 1, 2026, the prescriber provides proof of a waiver from the Centers for Medicare and Medicaid Services for the Electronic Prescribing for Controlled Substances Program due to demonstrated economic hardship for the previous compliance year;

(3) there is a temporary technological or electrical failure that prevents an electronic prescription from being issued;

(4) the prescription is for a drug that the practitioner reasonably determines would be impractical for the patient to obtain in a timely manner if prescribed by an electronic data transmission prescription and the delay would adversely impact the patient's medical condition;

(5) the prescription is for an individual who:

(A) resides in a nursing or assisted living facility;

(B) is receiving hospice or palliative care;

(C) is receiving care at an outpatient renal dialysis facility and the prescription is related to the care provided;

(D) is receiving care through the United States Department of Veterans Affairs; or

(E) is incarcerated in a state, detained, or confined in a correctional facility;

(6) the prescription prescribes a drug under a research protocol;

(7) the prescription is a non-patient specific prescription dispensed under a standing order, approved protocol for drug therapy, collaborative drug management, or comprehensive medication management, or in response to a public health emergency or other circumstance in which the practitioner may issue a non-patient specific prescription;

(8) the prescription is issued when the prescriber and dispenser are the same entity; ~~or~~

(9) the prescription is issued for a compound prescription containing 2 or more compounds; or~~.~~

(10) the prescription is issued by a licensed veterinarian within 2 years after the effective date of this amendatory Act of the 103rd General Assembly.

(c) The Department of Financial and Professional Regulation may adopt rules for the administration of this Section to the requirements under this Section that the Department of Financial and Professional Regulation may deem appropriate.

(d) Any prescriber who makes a good faith effort to prescribe electronically, but for reasons not within the prescriber's control is unable to prescribe electronically, may be exempt from any disciplinary action.

(e) Any pharmacist who dispenses in good faith based upon a valid prescription that is not prescribed electronically may be exempt from any disciplinary action. A pharmacist is not required to ensure or responsible for ensuring the prescriber's compliance under subsection (b), nor may any other entity or organization require a pharmacist to ensure the prescriber's compliance with that subsection.

(f) It shall be a violation of this Section for any prescriber or dispenser to adopt a policy contrary to this Section.

(Source: P.A. 102-490, eff. 1-1-24 (See Section 55 of P.A. 102-1109 for effective date of P.A. 102-490); 103-425, eff. 1-1-24.)

Section 110. The Common Interest Community Association Act is amended by changing Section 1-90 as follows:

(765 ILCS 160/1-90)

(Section scheduled to be repealed on January 1, 2024)

Sec. 1-90. Compliance with the Condominium and Common Interest Community Ombudsperson Act. Every common interest community association, except for those exempt from this Act under Section 1-75, must comply with the Condominium and Common Interest Community Ombudsperson Act and is subject to all provisions of the Condominium and Common Interest Community Ombudsperson Act. This Section is repealed January 1, 2026 ~~2024~~.

(Source: P.A. 102-921, eff. 5-27-22.)

Section 115. The Condominium Property Act is amended by changing Section 35 as follows:

(765 ILCS 605/35)

(Section scheduled to be repealed on January 1, 2024)

Sec. 35. Compliance with the Condominium and Common Interest Community Ombudsperson Act. Every unit owners' association must comply with the Condominium and Common Interest Community Ombudsperson Act and is subject to all provisions of the Condominium and Common Interest Community Ombudsperson Act. This Section is repealed January 1, 2026 ~~2024~~.

(Source: P.A. 102-921, eff. 5-27-22.)

Section 120. The Condominium and Common Interest Community Ombudsperson Act is amended by changing Section 70 as follows:

(765 ILCS 615/70)

(Section scheduled to be repealed on January 1, 2024)

Sec. 70. Repeal. This Act is repealed on January 1, 2026 ~~2024~~.

(Source: P.A. 102-921, eff. 5-27-22.)

Section 900. "An Act concerning housing", approved June 30, 2023, Public Act 103-215, is amended by adding Section 99 as follows:

(P.A. 103-215, Sec. 99 new)

Sec. 99. Effective date. This Act takes effect April 30, 2024.

Section 905. "An Act concerning education", approved August 11, 2023, Public Act 103-542, is amended by adding Section 99 as follows:

(P.A. 103-542, Sec. 99 new)

Section 99. Effective date. This Act takes effect on July 1, 2024.

Section 950. 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 upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Glowiak Hilton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 1358

AMENDMENT NO. 2 . Amend House Bill 1358, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 on page 17, immediately below line 17, by inserting the following:

"Section 83. The Emergency Telephone System Act is amended by changing Section 3 as follows:
(50 ILCS 750/3) (from Ch. 134, par. 33)
(Text of Section before amendment by P.A. 103-366)
(Section scheduled to be repealed on December 31, 2025)
Sec. 3. (a) By July 1, 2017, every local public agency shall be within the jurisdiction of a 9-1-1 system.
(b) Within 18 months of the awarding of a contract to a vendor certified under Section 13-900 of the Public Utilities Act to provide Next Generation 9-1-1 service, every 9-1-1 system in Illinois, except in a municipality with a population over 500,000, shall provide Next Generation 9-1-1 service. A municipality with a population over 500,000 shall provide Next Generation 9-1-1 service by January 1, 2026 ~~December 31, 2023~~.
(c) Nothing in this Act shall be construed to prohibit or discourage in any way the formation of multijurisdictional or regional systems, and any system established pursuant to this Act may include the territory of more than one public agency or may include a segment of the territory of a public agency.
(Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21.)

(Text of Section after amendment by P.A. 103-366)
(Section scheduled to be repealed on December 31, 2025)
Sec. 3. (a) By July 1, 2017, every local public agency shall be within the jurisdiction of a 9-1-1 system.
(b) Within 36 months of the awarding of a contract to a vendor certified under Section 13-900 of the Public Utilities Act to provide Next Generation 9-1-1 service, every 9-1-1 system in Illinois, except in a municipality with a population over 500,000, shall provide Next Generation 9-1-1 service. A municipality with a population over 500,000 shall provide Next Generation 9-1-1 service by January 1, 2026 ~~July 1, 2024~~.
(c) Nothing in this Act shall be construed to prohibit or discourage in any way the formation of multijurisdictional or regional systems, and any system established pursuant to this Act may include the territory of more than one public agency or may include a segment of the territory of a public agency.
(Source: P.A. 102-9, eff. 6-3-21; 103-366, eff. 1-1-24.)".

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 Glowiak Hilton, **House Bill No. 1358** 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 2.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Stadelman
Aquino	Fine	Loughran Cappel	Stoller
Belt	Fowler	Martwick	Syverson
Bennett	Glowiak Hilton	McClure	Toro
Bryant	Halpin	Morrison	Tracy
Castro	Harris, N.	Murphy	Turner, D.
Cervantes	Harriss, E.	Peters	Turner, S.
Collins	Hastings	Plummer	Ventura
Cunningham	Holmes	Porfirio	Villa

Curran	Hunter	Preston	Villanueva
DeWitte	Johnson	Rezin	Villivalam
Edly-Allen	Joyce	Rose	Mr. President
Ellman	Koehler	Simmons	
Faraci	Lewis	Sims	

The following voted in the negative:

Chesney
Wilcox

This bill, having received the vote of three-fifths 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. 2104** 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	Faraci	Lewis	Stadelman
Aquino	Feigenholtz	Lightford	Stoller
Belt	Fine	Loughran Cappel	Syverson
Bennett	Fowler	Martwick	Toro
Bryant	Glowiak Hilton	McClure	Tracy
Castro	Halpin	Morrison	Turner, D.
Cervantes	Harris, N.	Murphy	Turner, S.
Chesney	Harriss, E.	Peters	Ventura
Collins	Hastings	Plummer	Villa
Cunningham	Holmes	Porfirio	Villanueva
Curran	Hunter	Preston	Villivalam
DeWitte	Johnson	Rezin	Wilcox
Edly-Allen	Joyce	Rose	Mr. President
Ellman	Koehler	Simmons	

This bill, having received the vote of three-fifths 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 Cunningham, **House Bill No. 3641** was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 1 and 2 were withdrawn by the sponsor.

Senator Cunningham offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 3641

AMENDMENT NO. 3 . Amend House Bill 3641 by replacing everything after the enacting clause with the following:

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

(5 ILCS 375/6.11C)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 6.11C. Coverage for injectable medicines to improve glucose or weight loss. Beginning on July 1, 2024, ~~January 1, 2024,~~ the State Employees Group Insurance Program shall provide coverage for all types of medically necessary, as determined by a physician licensed to practice medicine in all its branches, injectable medicines prescribed on-label or off-label to improve glucose or weight loss for use by adults diagnosed or previously diagnosed with prediabetes, gestational diabetes, or obesity. To continue to qualify for coverage under this Section, the continued treatment must be medically necessary, and covered members must, if given advance, written notice, participate in a lifestyle management plan administered by their health plan. This Section does not apply to individuals covered by a Medicare Advantage Prescription Drug Plan.

(Source: P.A. 103-8, eff. 1-1-24.)

Section 10. The Children and Family Services Act is amended by changing Section 5.46 as follows:

(20 ILCS 505/5.46)

Sec. 5.46. Application for Social Security benefits, Supplemental Security Income, Veterans benefits, and Railroad Retirement benefits.

(a) Definitions. As used in this Section:

"Achieving a Better Life Experience Account" or "ABLE account" means an account established for the purpose of financing certain qualified expenses of eligible individuals as specifically provided for in Section 529A of the Internal Revenue Code and Section 16.6 of the State Treasurer Act.

"Benefits" means Social Security benefits, Supplemental Security Income, Veterans benefits, and Railroad Retirement benefits.

"DCFS Guardianship Administrator" means a Department representative appointed as guardian of the person or legal custodian of the minor youth in care.

"Youth's attorney and guardian ad litem" means the person appointed as the youth's attorney or guardian ad litem in accordance with the Juvenile Court Act of 1987 in the proceeding in which the Department is appointed as the youth's guardian or custodian.

(b) Application for benefits.

(1) Upon receiving temporary custody or guardianship of a youth in care, the Department shall assess the youth to determine whether the youth may be eligible for benefits. If, after the assessment, the Department determines that the youth may be eligible for benefits, the Department shall ensure that an application is filed on behalf of the youth. The Department shall prescribe by rule how it will review cases of youth in care at regular intervals to determine whether the youth may have become eligible for benefits after the initial assessment. The Department shall make reasonable efforts to encourage youth in care over the age of 18 who are likely eligible for benefits to cooperate with the application process and to assist youth with the application process.

(2) When applying for benefits under this Section for a youth in care the Department shall identify a representative payee in accordance with the requirements of 20 CFR 404.2021 and 416.621. If the Department is seeking to be appointed as the youth's representative payee, the Department must consider input, if provided, from the youth's attorney and guardian ad litem regarding whether another representative payee, consistent with the requirements of 20 CFR 404.2021 and 416.621, is available. If the Department serves as the representative payee for a youth over the age of 18, the Department shall request a court order, as described in subparagraph (C) of paragraph (1) of subsection (d) and in subparagraph (C) of paragraph (2) of subsection (d).

(c) Notifications. The Department shall immediately notify a youth over the age of 16, the youth's attorney and guardian ad litem, and the youth's parent or legal guardian or another responsible adult of:

(1) any application for or any application to become representative payee for benefits on behalf of a youth in care;

(2) beginning January 1, 2025, any communications from the Social Security Administration, the U.S. Department of Veterans Affairs, or the Railroad Retirement Board pertaining to the acceptance or denial of benefits or the selection of a representative payee; and

(3) beginning January 1, 2025, any appeal or other action requested by the Department regarding an application for benefits.

(d) Use of benefits. Consistent with federal law, when the Department serves as the representative payee for a youth receiving benefits and receives benefits on the youth's behalf, the Department shall:

(1) Beginning January 1, 2024 ~~2023~~, ensure that when the youth attains the age of 14 years and until the Department no longer serves as the representative payee, a minimum percentage of the youth's Supplemental Security Income benefits are conserved in accordance with paragraph (4) as follows:

(A) From the age of 14 through age 15, at least 40%.

(B) From the age of 16 through age 17, at least 80%.

(C) From the age of 18 and older ~~through 20~~, 100%, when a court order has been entered expressly authorizing ~~allowing~~ the DCFS Guardianship Administrator to serve as the designated representative to establish an ABLE account on behalf of a youth ~~Department to have the authority to establish and serve as an authorized agent of the youth over the age of 18 with respect to an account established~~ in accordance with paragraph (4).

(2) Beginning January 1, 2024, ensure that when the youth attains the age of 14 years and until the Department no longer serves as the representative payee a minimum percentage of the youth's Social Security benefits, Veterans benefits, or Railroad Retirement benefits are conserved in accordance with paragraph (3) or (4), as applicable, as follows:

(A) From the age of 14 through age 15, at least 40%.

(B) From the age of 16 through age 17, at least 80%.

(C) From the age of 18 ~~through 20~~, 100%. If establishment of an ABLE account is necessary to conserve benefits for youth age 18 and older, then benefits shall be conserved in accordance with paragraph (4) when a court order has been entered expressly authorizing the DCFS Guardianship Administrator to serve as the designated representative to establish an ABLE account on behalf of a youth~~, when a court order has been entered expressly allowing the Department to have the authority to establish and serve as an authorized agent of the youth over the age of 18 with respect to an account established in accordance with paragraph (4)~~.

(3) Exercise discretion in accordance with federal law and in the best interests of the youth when making decisions to use or conserve the youth's benefits that are less than or not subject to asset or resource limits under federal law, including using the benefits to address the youth's special needs and conserving the benefits for the youth's reasonably foreseeable future needs.

(4) Appropriately monitor any federal asset or resource limits for the Supplemental Security Income benefits and ensure that the youth's best interest is served by using or conserving the benefits in a way that avoids violating any federal asset or resource limits that would affect the youth's eligibility to receive the benefits, including, but not limited to:

~~(A) applying to the Social Security Administration to establish a Plan to Achieve Self Support (PASS) Account for the youth under the Social Security Act and determining whether it is in the best interest of the youth to conserve all or parts of the benefits in the PASS account;~~

~~(B) establishing a 529 plan for the youth and conserving the youth's benefits in that account in a manner that appropriately avoids any federal asset or resource limits;~~

~~(C) establishing an Individual Development Account for the youth and conserving the youth's benefits in that account in a manner that appropriately avoids any federal asset or resource limits~~;

(A) ~~(D)~~ establishing an ABLE account authorized by Section 529A of the Internal Revenue Code of 1986, for the youth and conserving the youth's benefits in that account in a manner that appropriately avoids any federal asset or resource limits;

~~(E) establishing a Social Security Plan to Achieve Self Support account for the youth and conserving the youth's benefits in a manner that appropriately avoids any federal asset or resource limits;~~

~~(F) establishing a special needs trust for the youth and conserving the youth's benefits in the trust in a manner that is consistent with federal requirements for special needs trusts and that appropriately avoids any federal asset or resource limits;~~

(B) ~~(G)~~ if the Department determines that using the benefits for services for current special needs not already provided by the Department is in the best interest of the youth, using the benefits for those services;

(C) ~~(H)~~ if federal law requires certain back payments of benefits to be placed in a dedicated account, complying with the requirements for dedicated accounts under 20 CFR 416.640(e); and

(D) ~~(I)~~ applying any other exclusions from federal asset or resource limits available under federal law and using or conserving the youth's benefits in a manner that appropriately avoids any federal asset or resource limits.

(e) By July 1, 2024, the Department shall provide a report to the General Assembly regarding youth in care who receive benefits who are not subject to this Act. The report shall discuss a goal of expanding conservation of children's benefits to all benefits of all children of any age for whom the Department serves as representative payee. The report shall include a description of any identified obstacles, steps to be taken to address the obstacles, and a description of any need for statutory, rule, or procedural changes.

(f) (1) Accounting.

(A) Beginning on the effective date of this amendatory Act of the 103rd General Assembly through December 31, 2024, upon request of the youth's attorney or guardian ad litem, the ~~The~~ Department shall provide an annual accounting to the youth's attorney and guardian ad litem of how the youth's benefits have been used and conserved.

(B) Beginning January 1, 2025 and every year thereafter, an annual accounting of how the youth's benefits have been used and conserved shall be provided automatically to the youth's attorney and guardian ad litem.

(C) In addition, within 10 business days of a request from a youth or the youth's attorney and guardian ad litem, the Department shall provide an accounting to the youth of how the youth's benefits have been used and conserved.

(2) The accounting shall include:

(A) ~~(1)~~ The amount of benefits received on the youth's behalf since the most recent accounting and the date the benefits were received.

(B) ~~(2)~~ Information regarding the youth's benefits and resources, including the youth's benefits, insurance, cash assets, trust accounts, earnings, and other resources.

(C) ~~(3)~~ An accounting of the disbursement of benefit funds, including the date, amount, identification of payee, and purpose.

(D) ~~(4)~~ Information regarding each request by the youth, the youth's attorney and guardian ad litem, or the youth's caregiver for disbursement of funds and a statement regarding the reason for not granting the request if the request was denied.

When the Department's guardianship of the youth is being terminated, prior to or upon the termination of guardianship, the Department shall provide (i) a final accounting to the ~~Social Security Administration, to the~~ youth's attorney and guardian ad litem, and to either the person or persons who will assume guardianship of the youth or who is in the process of adopting the youth, if the youth is under 18, or to the youth, if the youth is over 18 and (ii) information to the parent, guardian, or youth regarding how to apply to become the designated representative for the youth's ABLE account ~~payee~~. ~~The Department shall adopt rules to ensure that the representative payee transitions occur in a timely and appropriate manner.~~

(g) Education ~~Financial literacy~~. The Department shall provide the youth who have funds conserved under paragraphs (1) and (2) of subsection (d) with education ~~with financial literacy training~~ and support, including specific information regarding the existence, availability, and use of funds conserved for the youth in accordance with paragraphs (1) and (2) of subsection (d) ~~this subsection~~, beginning by age 14 in a developmentally appropriate manner. The education ~~literacy program~~ and support services shall be developed in consultation with input from the Department's Statewide Youth Advisory Board. Education and informational materials related to ABLE accounts shall be developed in consultation with and approved by the State Treasurer.

(h) Adoption of rules. The Department shall adopt rules to implement the provisions of this Section by January 1, 2024 ~~2023~~.

(i) Reporting. No later than February 28, 2023, the Department shall file a report with the General Assembly providing the following information for State Fiscal Years 2019, 2020, 2021, and 2022 and annually beginning February 28, 2023, for the preceding fiscal year:

(1) The number of youth entering care.

(2) The number of youth entering care receiving each of the following types of benefits: Social Security benefits, Supplemental Security Income, Veterans benefits, Railroad Retirement benefits.

(3) The number of youth entering care for whom the Department filed an application for each of the following types of benefits: Social Security benefits, Supplemental Security Income, Veterans benefits, Railroad Retirement benefits.

(4) The number of youth entering care who were awarded each of the following types of benefits based on an application filed by the Department: Social Security benefits, Supplemental Security Income, Veterans benefits, Railroad Retirement benefits.

(j) Annually beginning December 31, 2023, the Department shall file a report with the General Assembly with the following information regarding the preceding fiscal year:

(1) the number of conserved accounts established and maintained for youth in care;

(2) the average amount conserved by age group; and

(3) the total amount conserved by age group.

(Source: P.A. 102-1014, eff. 5-27-22; 103-154, eff. 6-30-23.)

Section 15. The Illinois State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-10 as follows:

(20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

(Text of Section before amendment by P.A. 103-34)

Sec. 2605-10. Powers and duties, generally.

(a) The Illinois State Police shall exercise the rights, powers, and duties that have been vested in the Illinois State Police by the following:

The Illinois State Police Act.
The Illinois State Police Radio Act.
The Criminal Identification Act.
The Illinois Vehicle Code.
The Firearm Owners Identification Card Act.
The Firearm Concealed Carry Act.
The Gun Dealer Licensing Act.
The Intergovernmental Missing Child Recovery Act of 1984.
The Intergovernmental Drug Laws Enforcement Act.
The Narcotic Control Division Abolition Act.

(b) The Illinois State Police shall have the powers and duties set forth in the following Sections.

(Source: P.A. 102-538, eff. 8-20-21.)

(Text of Section after amendment by P.A. 103-34)

Sec. 2605-10. Powers and duties, generally.

(a) The Illinois State Police shall exercise the rights, powers, and duties that have been vested in the Illinois State Police by the following:

The Illinois State Police Act.
The Illinois State Police Radio Act.
The Criminal Identification Act.
The Illinois Vehicle Code.
The Firearm Owners Identification Card Act.
The Firearm Concealed Carry Act.
The Firearm Dealer License Certification Act.
The Intergovernmental Missing Child Recovery Act of 1984.
The Intergovernmental Drug Laws Enforcement Act.
The Narcotic Control Division Abolition Act.
The Illinois Uniform Conviction Information Act.
The Murderer and Violent Offender Against Youth Registration Act.

(b) The Illinois State Police shall have the powers and duties set forth in the following Sections.

(c) The Illinois State Police shall exercise the rights, powers, and duties vested in the Illinois State Police to implement the following protective service functions for State facilities, State officials, and State employees serving in their official capacity:

(1) Utilize subject matter expertise and law enforcement authority to strengthen the protection of State government facilities, State employees, State officials, and State critical infrastructure.

(2) Coordinate State, federal, and local law enforcement activities involving the protection of State facilities, officials, and employees.

(3) Conduct investigations of criminal threats to State facilities, State critical infrastructure, State officials, and State employees.

(4) Train State officials and employees in personal protection, crime prevention, facility occupant emergency planning, and incident management.

(5) Establish standard protocols for prevention and response to criminal threats to State facilities, State officials, State employees, and State critical infrastructure~~,~~ and standard protocols for reporting of suspicious activities.

(6) Establish minimum operational standards, qualifications, training, and compliance requirements for State employees and contractors engaged in the protection of State facilities and employees.

(7) At the request of departments or agencies of State government, conduct security assessments, including, but not limited to, examination of alarm systems, cameras systems, access points, personnel readiness, and emergency protocols based on risk and need.

(8) Oversee the planning and implementation of security and law enforcement activities necessary for the protection of major, multi-jurisdictional events implicating potential criminal threats to State officials, State employees, or State-owned, State-leased, or State-operated critical infrastructure or facilities.

(9) Oversee and direct the planning and implementation of security and law enforcement activities by the departments and agencies of the State necessary for the protection of State employees, State officials, and State-owned, State-leased, or State-operated critical infrastructure or facilities from criminal activity.

(10) Advise the Governor and Homeland Security Advisor on any matters necessary for the effective protection of State facilities, critical infrastructure, officials, and employees from criminal threats.

(11) Utilize intergovernmental agreements and administrative rules as needed for the effective, efficient implementation of law enforcement and support activities necessary for the protection of State facilities, State infrastructure, State employees, and, upon the express written consent of State constitutional officials, State constitutional officials~~, and State employees~~.

(Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24; revised 9-25-23.)

Section 20. The Alternative Protein Innovation Task Force Act is amended by changing Sections 15 and 20 as follows:

(20 ILCS 4128/15)

Sec. 15. Membership; appointments; meeting.

(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 Director ~~Secretary~~ of Commerce and Economic Opportunity or the Director's ~~Secretary's~~ designee;

(6) the Director of Agriculture or the Director's designee;

(7) 5 members who are appointed by the Director of Agriculture. Of the members appointed by the Director of Agriculture, 3 members shall be commercial producers of agricultural commodities, of which one member shall be from the largest statewide agricultural association; and 2 members shall be representatives from the University of Illinois College of Agricultural, Consumer and Environmental Sciences engaged in nutritional research; and

(8) 6 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 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; one member shall be the president of the Illinois Biotechnology Industry Organization or the organization's designee; and one member shall be a representative from a multinational food processing and manufacturing corporation headquartered in this State.

(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 fewer than 4 meetings 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 Department of Agriculture shall provide administrative and other support to the Task Force.

(Source: P.A. 103-543, eff. 8-11-23; revised 10-19-23.)

(20 ILCS 4128/20)

Sec. 20. Report; dissolution of Task Force; repeal of Act.

(a)The Task Force shall submit a report of its findings and recommendations to the General Assembly no later than June 30, 2024 ~~December 31, 2023~~.

(b) The Task Force shall be dissolved on December 31, 2024.

(c) This Act is repealed on January 1, 2025.

(Source: P.A. 103-543, eff. 8-11-23.)

Section 25. The Illinois Procurement Code is amended by changing Section 20-10 as follows:

(30 ILCS 500/20-10)

(Text of Section before amendment by P.A. 103-558)

(Text of Section from P.A. 96-159, 96-588, 97-96, 97-895, 98-1076, 99-906, 100-43, 101-31, 101-657, and 102-29)

Sec. 20-10. Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, including earned and applied bid credit from the Illinois Works Jobs Program Act, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

(1) a description of the agency's needs;

(2) a determination that the anticipated cost will be fair and reasonable;

(3) a listing of all responsible and responsive bidders; and

(4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission, and the Commission on Equity and Inclusion, and the Procurement Policy Board, and be made available for inspection by the public, within 14 calendar days after the agency's decision to award the contract.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under Section 1-56, subsections (a) and (c) of Section 1-75 and subsection (d) of Section 1-78 of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c).

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the State purchasing officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.

(Source: P.A. 101-31, eff. 6-28-19; 101-657, eff. 1-1-22; 102-29, eff. 6-25-21.)

(Text of Section from P.A. 96-159, 96-795, 97-96, 97-895, 98-1076, 99-906, 100-43, 101-31, 101-657, and 102-29)

Sec. 20-10. Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, including earned and applied bid credit from the Illinois Works Jobs Program Act, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

(1) a description of the agency's needs;

(2) a determination that the anticipated cost will be fair and reasonable;

(3) a listing of all responsible and responsive bidders; and

(4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission, and the Commission on Equity and Inclusion, and the Procurement Policy Board, and be made available for inspection by the public, within 14 days after the agency's decision to award the contract.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under subsections (a) and (c) of Section 1-75 and subsection (d) of Section 1-78 of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c).

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the

opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the State purchasing officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.

(Source: P.A. 101-31, eff. 6-28-19; 101-657, eff. 1-1-22; 102-29, eff. 6-25-21.)

(Text of Section after amendment by P.A. 103-558)

(Text of Section from P.A. 96-159, 96-588, 97-96, 97-895, 98-1076, 99-906, 100-43, 101-31, 101-657, 102-29, and 103-558)

Sec. 20-10. Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, including earned and applied bid credit from the Illinois Works Jobs Program Act, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

(1) a description of the agency's needs;

(2) a determination that the anticipated cost will be fair and reasonable;

(3) a listing of all responsible and responsive bidders; and

(4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission, and the Commission on Equity and Inclusion, and the Procurement Policy Board, and be made available for inspection by the public, within 14 calendar days after the agency's decision to award the contract.

(g-5) Failed bid notice. In addition to the requirements of subsection (g), if a bidder has failed to be awarded a contract after 4 consecutive bids to provide the same services to the Department of Transportation, the Capital Development Board, or the Illinois State Toll Highway Authority, the applicable agency shall, in writing, detail why each of the 4 bids was not awarded to the bidder. The applicable agency shall submit by certified copy to the bidder the reason or reasons why each of the 4 bids was not awarded to the bidder. The agency shall submit that certified copy to the bidder within the same calendar quarter in which the fourth bid was rejected. This subsection does not apply if information pertaining to a failed bid was previously disclosed to a bidder by electronic means. If any agency chooses to provide information by electronic means, the agency shall have a written policy outlining how the agency will reasonably ensure the bidder receives the information. For the purposes of this subsection, "electronic means" means an email communication from the applicable agency to the bidder or a public posting on the applicable agency's procurement bulletin.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under Section 1-56, subsections (a) and (c) of Section 1-75 and subsection (d) of Section 1-78 of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c).

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the State purchasing officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.

(Source: P.A. 102-29, eff. 6-25-21; 103-558, eff. 1-1-24.)

(Text of Section from P.A. 96-159, 96-795, 97-96, 97-895, 98-1076, 99-906, 100-43, 101-31, 101-657, 102-29, and 103-558)

Sec. 20-10. Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, including earned and applied bid credit from the Illinois Works Jobs Program Act, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

(1) a description of the agency's needs;

(2) a determination that the anticipated cost will be fair and reasonable;

(3) a listing of all responsible and responsive bidders; and

(4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission, and the Commission on Equity and Inclusion, and the Procurement Policy Board, and be made available for inspection by the public, within 14 days after the agency's decision to award the contract.

(g-5) Failed bid notice. In addition to the requirements of subsection (g), if a bidder has failed to be awarded a contract after 4 consecutive bids to provide the same services to the Department of Transportation, the Capital Development Board, or the Illinois State Toll Highway Authority, the applicable agency shall, in writing, detail why each of the 4 bids was not awarded to the bidder. The applicable agency shall submit by certified copy to the bidder the reason or reasons why each of the 4 bids was not awarded to the bidder. The agency shall submit that certified copy to the bidder within the same calendar quarter in which the fourth bid was rejected. This subsection does not apply if information pertaining to a failed bid was previously disclosed to a bidder by electronic means. If any agency chooses to provide information by electronic means, the agency shall have a written policy outlining how the agency will reasonably ensure the bidder receives the information. For the purposes of this subsection, "electronic means" means an email communication from the applicable agency to the bidder or a public posting on the applicable agency's procurement bulletin.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under subsections (a) and (c) of Section 1-75 and subsection (d) of Section 1-78 of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be

set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c).

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the State purchasing officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.

(Source: P.A. 102-29, eff. 6-25-21; 103-558, eff. 1-1-24.)

Section 30. The Emergency Telephone System Act is amended by changing Sections 19, 30, and 35 as follows:

(50 ILCS 750/19)

(Section scheduled to be repealed on December 31, 2025)

Sec. 19. Statewide 9-1-1 Advisory Board.

(a) Beginning July 1, 2015, there is created the Statewide 9-1-1 Advisory Board within the Illinois State Police. The Board shall consist of the following voting members:

(1) The Director of the Illinois State Police, or his or her designee, who shall serve as chairman.

(2) The Executive Director of the Commission, or his or her designee.

(3) Members appointed by the Governor as follows:

(A) one member representing the Illinois chapter of the National Emergency Number Association, or his or her designee;

(B) one member representing the Illinois chapter of the Association of Public-Safety Communications Officials, or his or her designee;

(C) one member representing a county 9-1-1 system from a county with a population of less than 37,000;

(C-5) one member representing a county 9-1-1 system from a county with a population between 37,000 and 100,000;

(D) one member representing a county 9-1-1 system from a county with a population between 100,001 and 250,000;

(E) one member representing a county 9-1-1 system from a county with a population of more than 250,000;

(F) one member representing a municipal or intergovernmental cooperative 9-1-1 system, excluding any single municipality with a population over 500,000;

(G) one member representing the Illinois Association of Chiefs of Police;

(H) one member representing the Illinois Sheriffs' Association; and

(I) one member representing the Illinois Fire Chiefs Association.

The Governor shall appoint the following non-voting members: (i) one member representing an incumbent local exchange 9-1-1 system provider; (ii) one member representing a non-incumbent local

exchange 9-1-1 system provider; (iii) one member representing a large wireless carrier; (iv) one member representing an incumbent local exchange carrier; (v) one member representing the Illinois Broadband and Telecommunications Association; (vi) one member representing the Illinois Broadband and Cable Association; and (vii) one member representing the Illinois State Ambulance Association. The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate may each appoint a member of the General Assembly to temporarily serve as a non-voting member of the Board during the 12 months prior to the repeal date of this Act to discuss legislative initiatives of the Board.

(b) The Governor shall make initial appointments to the Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the voting members appointed by the Governor shall serve an initial term of 2 years, and the remaining voting members appointed by the Governor shall serve an initial term of 3 years. Thereafter, each appointment by the Governor shall be for a term of 3 years and until their respective successors are appointed. Non-voting members shall serve for a term of 3 years. Vacancies shall be filled in the same manner as the original appointment. Persons appointed to fill a vacancy shall serve for the balance of the unexpired term.

Members of the Statewide 9-1-1 Advisory Board shall serve without compensation.

(c) The 9-1-1 Services Advisory Board, as constituted on June 1, 2015 without the legislative members, shall serve in the role of the Statewide 9-1-1 Advisory Board until all appointments of voting members have been made by the Governor under subsection (a) of this Section.

(d) The Statewide 9-1-1 Advisory Board shall:

(1) advise the Illinois State Police and the Statewide 9-1-1 Administrator on the oversight of 9-1-1 systems and the development and implementation of a uniform statewide 9-1-1 system;

(2) make recommendations to the Governor and the General Assembly regarding improvements to 9-1-1 services throughout the State; and

(3) exercise all other powers and duties provided in this Act.

(e) The Statewide 9-1-1 Advisory Board shall submit to the General Assembly a report by March 1 of each year providing an update on the transition to a statewide 9-1-1 system and recommending any legislative action.

(f) The Illinois State Police shall provide administrative support to the Statewide 9-1-1 Advisory Board.

(Source: P.A. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(50 ILCS 750/30)

(Text of Section before amendment by P.A. 103-366)

(Section scheduled to be repealed on December 31, 2025)

Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

(a) A special fund in the State treasury known as the Wireless Service Emergency Fund shall be renamed the Statewide 9-1-1 Fund. Any appropriations made from the Wireless Service Emergency Fund shall be payable from the Statewide 9-1-1 Fund. The Fund shall consist of the following:

(1) 9-1-1 wireless surcharges assessed under the Wireless Emergency Telephone Safety Act.

(2) 9-1-1 surcharges assessed under Section 20 of this Act.

(3) Prepaid wireless 9-1-1 surcharges assessed under Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

(4) Any appropriations, grants, or gifts made to the Fund.

(5) Any income from interest, premiums, gains, or other earnings on moneys in the Fund.

(6) Money from any other source that is deposited in or transferred to the Fund.

(b) Subject to appropriation and availability of funds, the Illinois State Police shall distribute the 9-1-1 surcharges monthly as follows:

(1) From each surcharge collected and remitted under Section 20 of this Act:

(A) $0.013 shall be distributed monthly in equal amounts to each County Emergency Telephone System Board in counties with a population under 100,000 according to the most recent census data which is authorized to serve as a primary wireless 9-1-1 public safety answering point for the county and to provide wireless 9-1-1 service as prescribed by subsection (b) of Section 15.6a of this Act, and which does provide such service.

(B) $0.033 shall be transferred by the Comptroller at the direction of the Illinois State Police to the Wireless Carrier Reimbursement Fund until June 30, 2017; from July 1, 2017 through June 30, 2018, $0.026 shall be transferred; from July 1, 2018 through June 30, 2019,

$0.020 shall be transferred; from July 1, 2019, through June 30, 2020, $0.013 shall be transferred; from July 1, 2020 through June 30, 2021, $0.007 will be transferred; and after June 30, 2021, no transfer shall be made to the Wireless Carrier Reimbursement Fund.

(C) Until December 31, 2017, $0.007 and on and after January 1, 2018, $0.017 shall be used to cover the Illinois State Police's administrative costs.

(D) Beginning January 1, 2018, until June 30, 2020, $0.12, and on and after July 1, 2020, $0.04 shall be used to make monthly proportional grants to the appropriate 9-1-1 Authority currently taking wireless 9-1-1 based upon the United States Postal Zip Code of the billing addresses of subscribers wireless carriers.

(E) Until June 30, 2025 ~~2023~~, $0.05 shall be used by the Illinois State Police for grants for NG9-1-1 expenses, with priority given to 9-1-1 Authorities that provide 9-1-1 service within the territory of a Large Electing Provider as defined in Section 13-406.1 of the Public Utilities Act.

(F) On and after July 1, 2020, $0.13 shall be used for the implementation of and continuing expenses for the Statewide NG9-1-1 system.

(2) After disbursements under paragraph (1) of this subsection (b), all remaining funds in the Statewide 9-1-1 Fund shall be disbursed in the following priority order:

(A) The Fund shall pay monthly to:

(i) the 9-1-1 Authorities that imposed surcharges under Section 15.3 of this Act and were required to report to the Illinois Commerce Commission under Section 27 of the Wireless Emergency Telephone Safety Act on October 1, 2014, except a 9-1-1 Authority in a municipality with a population in excess of 500,000, an amount equal to the average monthly wireline and VoIP surcharge revenue attributable to the most recent 12-month period reported to the Illinois State Police under that Section for the October 1, 2014 filing, subject to the power of the Illinois State Police to investigate the amount reported and adjust the number by order under Article X of the Public Utilities Act, so that the monthly amount paid under this item accurately reflects one-twelfth of the aggregate wireline and VoIP surcharge revenue properly attributable to the most recent 12-month period reported to the Commission; or

(ii) county qualified governmental entities that did not impose a surcharge under Section 15.3 as of December 31, 2015, and counties that did not impose a surcharge as of June 30, 2015, an amount equivalent to their population multiplied by .37 multiplied by the rate of $0.69; counties that are not county qualified governmental entities and that did not impose a surcharge as of December 31, 2015, shall not begin to receive the payment provided for in this subsection until E9-1-1 and wireless E9-1-1 services are provided within their counties; or

(iii) counties without 9-1-1 service that had a surcharge in place by December 31, 2015, an amount equivalent to their population multiplied by .37 multiplied by their surcharge rate as established by the referendum.

(B) All 9-1-1 network costs for systems outside of municipalities with a population of at least 500,000 shall be paid by the Illinois State Police directly to the vendors.

(C) All expenses incurred by the Administrator and the Statewide 9-1-1 Advisory Board and costs associated with procurement under Section 15.6b including requests for information and requests for proposals.

(D) Funds may be held in reserve by the Statewide 9-1-1 Advisory Board and disbursed by the Illinois State Police for grants under Section 15.4b of this Act and for NG9-1-1 expenses up to $12.5 million per year in State fiscal years 2016 and 2017; up to $20 million in State fiscal year 2018; up to $20.9 million in State fiscal year 2019; up to $15.3 million in State fiscal year 2020; up to $16.2 million in State fiscal year 2021; up to $23.1 million in State fiscal year 2022; and up to $17.0 million per year for State fiscal year 2023 and each year thereafter. The amount held in reserve in State fiscal years 2021, 2022, and 2023 shall not be less than $6.5 million. Disbursements under this subparagraph (D) shall be prioritized as follows: (i) consolidation grants prioritized under subsection (a) of Section 15.4b of this Act; (ii) NG9-1-1 expenses; and (iii) consolidation grants under Section 15.4b of this Act for consolidation expenses incurred between January 1, 2010, and January 1, 2016.

(E) All remaining funds per remit month shall be used to make monthly proportional grants to the appropriate 9-1-1 Authority currently taking wireless 9-1-1 based upon the United States Postal Zip Code of the billing addresses of subscribers of wireless carriers.

(c) The moneys deposited into the Statewide 9-1-1 Fund under this Section shall not be subject to administrative charges or chargebacks unless otherwise authorized by this Act.

(d) Whenever two or more 9-1-1 Authorities consolidate, the resulting Joint Emergency Telephone System Board shall be entitled to the monthly payments that had theretofore been made to each consolidating 9-1-1 Authority. Any reserves held by any consolidating 9-1-1 Authority shall be transferred to the resulting Joint Emergency Telephone System Board. Whenever a county that has no 9-1-1 service as of January 1, 2016 enters into an agreement to consolidate to create or join a Joint Emergency Telephone System Board, the Joint Emergency Telephone System Board shall be entitled to the monthly payments that would have otherwise been paid to the county if it had provided 9-1-1 service.

(Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(Text of Section after amendment by P.A. 103-366)

(Section scheduled to be repealed on December 31, 2025)

Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

(a) A special fund in the State treasury known as the Wireless Service Emergency Fund shall be renamed the Statewide 9-1-1 Fund. Any appropriations made from the Wireless Service Emergency Fund shall be payable from the Statewide 9-1-1 Fund. The Fund shall consist of the following:

(1) (Blank).

(2) 9-1-1 surcharges assessed under Section 20 of this Act.

(3) Prepaid wireless 9-1-1 surcharges assessed under Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

(4) Any appropriations, grants, or gifts made to the Fund.

(5) Any income from interest, premiums, gains, or other earnings on moneys in the Fund.

(6) Money from any other source that is deposited in or transferred to the Fund.

(b) Subject to appropriation and availability of funds, the Illinois State Police shall distribute the 9-1-1 surcharges monthly as follows:

(1) From each surcharge collected and remitted under Section 20 of this Act:

(A) $0.013 shall be distributed monthly in equal amounts to each County Emergency Telephone System Board in counties with a population under 100,000 according to the most recent census data which is authorized to serve as a primary wireless 9-1-1 public safety answering point for the county and to provide wireless 9-1-1 service as prescribed by subsection (b) of Section 15.6a of this Act, and which does provide such service.

(B) (Blank).

(C) Until December 31, 2017, $0.007 and on and after January 1, 2018, $0.017 shall be used to cover the Illinois State Police's administrative costs.

(D) Beginning January 1, 2018, until June 30, 2020, $0.12, and on and after July 1, 2020, $0.04 shall be used to make monthly disbursements to the appropriate 9-1-1 Authority currently taking wireless 9-1-1 based upon the United States Postal Zip Code of the billing addresses of subscribers wireless carriers.

(E) Until June 30, 2025 ~~2023~~, $0.05 shall be used by the Illinois State Police for grants for NG9-1-1 expenses, with priority given to 9-1-1 Authorities that provide 9-1-1 service within the territory of a Large Electing Provider as defined in Section 13-406.1 of the Public Utilities Act.

(F) On and after July 1, 2020, $0.13 shall be used for the implementation of and continuing expenses for the Statewide NG9-1-1 system.

(1.5) Beginning on the effective date of this amendatory Act of the 103rd General Assembly, to assist with the implementation of the statewide Next Generation 9-1-1 network, the Illinois State Police's administrative costs include the one-time capital cost of upgrading the Illinois State Police's call-handling equipment to meet the standards necessary to access and increase interoperability with the statewide Next Generation 9-1-1 network.

(A) Upon completion of the Illinois State Police's call-handling equipment upgrades, but no later than June 30, 2024, surplus moneys in excess of $1,000,000 from subparagraph (C) of paragraph (1) not utilized by the Illinois State Police for administrative costs shall be distributed

to the 9-1-1 Authorities in accordance with subparagraph (E) of paragraph (2) on an annual basis at the end of the State fiscal year. Any remaining surplus money may also be distributed consistent with this paragraph (1.5) at the discretion of the Illinois State Police.

(B) Upon implementation of the Statewide NG9-1-1 system, but no later than June 30, 2024, surplus moneys in excess of $5,000,000 from subparagraph (F) of paragraph (1) not utilized by the Illinois State Police for the implementation of and continuing expenses for the Statewide NG9-1-1 system shall be distributed to the 9-1-1 Authorities in accordance with subparagraph (E) of subsection (2) on an annual basis at the end of the State fiscal year. Any remaining surplus money may also be distributed consistent with this paragraph (1.5) at the discretion of the Illinois State Police.

(2) After disbursements under paragraph (1) of this subsection (b), all remaining funds in the Statewide 9-1-1 Fund shall be disbursed in the following priority order:

(A) The Fund shall pay monthly to:

(i) the 9-1-1 Authorities that imposed surcharges under Section 15.3 of this Act and were required to report to the Illinois Commerce Commission under Section 27 of the Wireless Emergency Telephone Safety Act on October 1, 2014, except a 9-1-1 Authority in a municipality with a population in excess of 500,000, an amount equal to the average monthly wireline and VoIP surcharge revenue attributable to the most recent 12-month period reported to the Illinois State Police under that Section for the October 1, 2014 filing, subject to the power of the Illinois State Police to investigate the amount reported and adjust the number by order under Article X of the Public Utilities Act, so that the monthly amount paid under this item accurately reflects one-twelfth of the aggregate wireline and VoIP surcharge revenue properly attributable to the most recent 12-month period reported to the Commission; or

(ii) county qualified governmental entities that did not impose a surcharge under Section 15.3 as of December 31, 2015, and counties that did not impose a surcharge as of June 30, 2015, an amount equivalent to their population multiplied by .37 multiplied by the rate of $0.69; counties that are not county qualified governmental entities and that did not impose a surcharge as of December 31, 2015, shall not begin to receive the payment provided for in this subsection until E9-1-1 and wireless E9-1-1 services are provided within their counties; or

(iii) counties without 9-1-1 service that had a surcharge in place by December 31, 2015, an amount equivalent to their population multiplied by .37 multiplied by their surcharge rate as established by the referendum.

(B) All 9-1-1 network costs for systems outside of municipalities with a population of at least 500,000 shall be paid by the Illinois State Police directly to the vendors.

(C) All expenses incurred by the Administrator and the Statewide 9-1-1 Advisory Board and costs associated with procurement under Section 15.6b including requests for information and requests for proposals.

(D) Funds may be held in reserve by the Statewide 9-1-1 Advisory Board and disbursed by the Illinois State Police for grants under Section 15.4b of this Act and for NG9-1-1 expenses up to $12.5 million per year in State fiscal years 2016 and 2017; up to $20 million in State fiscal year 2018; up to $20.9 million in State fiscal year 2019; up to $15.3 million in State fiscal year 2020; up to $16.2 million in State fiscal year 2021; up to $23.1 million in State fiscal year 2022; and up to $17.0 million per year for State fiscal year 2023 and each year thereafter. The amount held in reserve in State fiscal years 2021, 2022, and 2023 shall not be less than $6.5 million. Disbursements under this subparagraph (D) shall be prioritized as follows: (i) consolidation grants prioritized under subsection (a) of Section 15.4b of this Act; (ii) NG9-1-1 expenses; and (iii) consolidation grants under Section 15.4b of this Act for consolidation expenses incurred between January 1, 2010, and January 1, 2016.

(E) All remaining funds per remit month shall be used to make monthly disbursements to the appropriate 9-1-1 Authority currently taking wireless 9-1-1 based upon the United States Postal Zip Code of the billing addresses of subscribers of wireless carriers.

(c) The moneys deposited into the Statewide 9-1-1 Fund under this Section shall not be subject to administrative charges or chargebacks unless otherwise authorized by this Act.

(d) Whenever two or more 9-1-1 Authorities consolidate, the resulting Joint Emergency Telephone System Board shall be entitled to the monthly payments that had theretofore been made to each consolidating 9-1-1 Authority. Any reserves held by any consolidating 9-1-1 Authority shall be transferred to the resulting Joint Emergency Telephone System Board. Whenever a county that has no 9-1-1 service as of January 1, 2016 enters into an agreement to consolidate to create or join a Joint Emergency Telephone System Board, the Joint Emergency Telephone System Board shall be entitled to the monthly payments that would have otherwise been paid to the county if it had provided 9-1-1 service.

(Source: P.A. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-366, eff. 1-1-24.)

(50 ILCS 750/35)

(Text of Section before amendment by P.A. 103-366)

(Section scheduled to be repealed on December 31, 2025)

Sec. 35. 9-1-1 surcharge; allowable expenditures. Except as otherwise provided in this Act, expenditures from surcharge revenues received under this Act may be made by municipalities, counties, and 9-1-1 Authorities only to pay for the costs associated with the following:

(1) The design of the Emergency Telephone System.

(2) The coding of an initial Master Street Address Guide database, and update and maintenance thereof.

(3) The repayment of any moneys advanced for the implementation of the system.

(4) The charges for Automatic Number Identification and Automatic Location Identification equipment, a computer aided dispatch system that records, maintains, and integrates information, mobile data transmitters equipped with automatic vehicle locators, and maintenance, replacement, and update thereof to increase operational efficiency and improve the provision of emergency services.

(5) The non-recurring charges related to installation of the Emergency Telephone System.

(6) The initial acquisition and installation, or the reimbursement of costs therefor to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the Emergency Telephone System and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs. Funds may not be used for ongoing expenses associated with road or street sign maintenance and replacement.

(7) Other products and services necessary for the implementation, upgrade, and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

(8) The defraying of expenses incurred to implement Next Generation 9-1-1, subject to the conditions set forth in this Act.

(9) The implementation of a computer aided dispatch system or hosted supplemental 9-1-1 services.

(10) The design, implementation, operation, maintenance, or upgrade of wireless 9-1-1, E9-1-1, or NG9-1-1 emergency services and public safety answering points.

In the case of a municipality with a population over 500,000, moneys may also be used for any anti-terrorism or emergency preparedness measures, including, but not limited to, preparedness planning, providing local matching funds for federal or State grants, personnel training, and specialized equipment, including surveillance cameras, as needed to deal with natural and terrorist-inspired emergency situations or events.

(Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

(Text of Section after amendment by P.A. 103-366)

(Section scheduled to be repealed on December 31, 2025)

Sec. 35. 9-1-1 surcharge; allowable expenditures.

(a) Except as otherwise provided in this Act, expenditures from surcharge revenues received under this Act shall be made consistent with 47 CFR 9.23, which include the following:

(1) support and implementation of 9-1-1 services provided by or in the State or taxing jurisdiction imposing the fee or charge; and

(2) operational expenses of public safety answering points within the State. Examples of allowable expenditures include, but are not limited to:

(A) PSAP operating costs, including lease, purchase, maintenance, replacement, and upgrade of customer premises equipment (hardware and software), CAD equipment (hardware and software), and the PSAP building and facility and including NG9-1-1, cybersecurity, pre-arrival instructions, and emergency notification systems. PSAP operating costs include technological innovation that supports 9-1-1;

(B) PSAP personnel costs, including telecommunicators' salaries and training;

(C) PSAP administration, including costs for administration of 9-1-1 services and travel expenses associated with the provision of 9-1-1 services;

(D) integrating public safety and first responder dispatch and 9-1-1 systems, including lease, purchase, maintenance, and upgrade of CAD equipment (hardware and software) to support integrated 9-1-1 and public safety dispatch operations; ~~and~~

(E) providing the interoperability of 9-1-1 systems with one another and with public safety and first responder radio systems; and~~.~~

(F) costs for the initial acquisition and installation of road or street signs that are essential to the implementation of the Emergency Telephone System and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs, as well as costs incurred to reimburse governmental bodies for the acquisition and installation of those signs, except that expenditures may not be used for ongoing expenses associated with sign maintenance and replacement.

(3) (Blank).

(4) (Blank).

(5) (Blank).

(6) (Blank).

(7) (Blank).

(8) (Blank).

(9) (Blank).

(10) (Blank).

(b) The obligation or expenditure of surcharge revenues received under this Act for a purpose or function inconsistent with 47 CFR 9.23 and this Section shall constitute diversion, which undermines the purpose of this Act by depriving the 9-1-1 system of the funds it needs to function effectively and to modernize 9-1-1 operations. Examples of diversion include, but are not limited to:

(1) transfer of 9-1-1 fees into a State or other jurisdiction's general fund or other fund for non-9-1-1 purposes;

(2) use of surcharge revenues for equipment or infrastructure for constructing or expanding non-public-safety communications networks (e.g., commercial cellular networks); and

(3) use of surcharge revenues for equipment or infrastructure for law enforcement, firefighters, and other public safety or first responder entities that does not directly support providing 9-1-1 services.

(c) In the case of a municipality with a population over 500,000, moneys may also be used for any anti-terrorism or emergency preparedness measures, including, but not limited to, preparedness planning, providing local matching funds for federal or State grants, personnel training, and specialized equipment, including surveillance cameras, as needed to deal with natural and terrorist-inspired emergency situations or events.

(Source: P.A. 103-366, eff. 1-1-24.)

Section 35. The Prepaid Wireless 9-1-1 Surcharge Act is amended by changing Section 15 as follows:

(50 ILCS 753/15)

Sec. 15. Prepaid wireless 9-1-1 surcharge.

(a) Until September 30, 2015, there is hereby imposed on consumers a prepaid wireless 9-1-1 surcharge of 1.5% per retail transaction. Beginning October 1, 2015, the prepaid wireless 9-1-1 surcharge shall be 3% per retail transaction. Until December 31, 2023, the ~~The~~ surcharge authorized by this subsection (a) does not apply in a home rule municipality having a population in excess of 500,000.

(a-5) On or after the effective date of this amendatory Act of the 98th General Assembly and until December 31, 2023, a home rule municipality having a population in excess of 500,000 on the effective date of this amendatory Act may impose a prepaid wireless 9-1-1 surcharge not to exceed 9% per retail

transaction sourced to that jurisdiction and collected and remitted in accordance with the provisions of subsection (b-5) of this Section.

(b) The prepaid wireless 9-1-1 surcharge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this State and shall be remitted to the Department by the seller as provided in this Act. The amount of the prepaid wireless 9-1-1 surcharge shall be separately stated as a distinct item apart from the charge for the prepaid wireless telecommunications service on an invoice, receipt, or other similar document that is provided to the consumer by the seller or shall be otherwise disclosed to the consumer. If the seller does not separately state the surcharge as a distinct item to the consumer as provided in this Section, then the seller shall maintain books and records as required by this Act which clearly identify the amount of the 9-1-1 surcharge for retail transactions.

For purposes of this subsection (b), a retail transaction occurs in this State if (i) the retail transaction is made in person by a consumer at the seller's business location and the business is located within the State; (ii) the seller is a provider and sells prepaid wireless telecommunications service to a consumer located in Illinois; (iii) the retail transaction is treated as occurring in this State for purposes of the Retailers' Occupation Tax Act; or (iv) a seller that is included within the definition of a "retailer maintaining a place of business in this State" under Section 2 of the Use Tax Act makes a sale of prepaid wireless telecommunications service to a consumer located in Illinois. In the case of a retail transaction which does not occur in person at a seller's business location, if a consumer uses a credit card to purchase prepaid wireless telecommunications service on-line or over the telephone, and no product is shipped to the consumer, the transaction occurs in this State if the billing address for the consumer's credit card is in this State.

(b-5) The prepaid wireless 9-1-1 surcharge imposed under subsection (a-5) of this Section shall be collected by the seller from the consumer with respect to each retail transaction occurring in the municipality imposing the surcharge. The amount of the prepaid wireless 9-1-1 surcharge shall be separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller or shall be otherwise disclosed to the consumer. If the seller does not separately state the surcharge as a distinct item to the consumer as provided in this Section, then the seller shall maintain books and records as required by this Act which clearly identify the amount of the 9-1-1 surcharge for retail transactions.

For purposes of this subsection (b-5), a retail transaction occurs in the municipality if (i) the retail transaction is made in person by a consumer at the seller's business location and the business is located within the municipality; (ii) the seller is a provider and sells prepaid wireless telecommunications service to a consumer located in the municipality; (iii) the retail transaction is treated as occurring in the municipality for purposes of the Retailers' Occupation Tax Act; or (iv) a seller that is included within the definition of a "retailer maintaining a place of business in this State" under Section 2 of the Use Tax Act makes a sale of prepaid wireless telecommunications service to a consumer located in the municipality. In the case of a retail transaction which does not occur in person at a seller's business location, if a consumer uses a credit card to purchase prepaid wireless telecommunications service on-line or over the telephone, and no product is shipped to the consumer, the transaction occurs in the municipality if the billing address for the consumer's credit card is in the municipality.

(c) The prepaid wireless 9-1-1 surcharge is imposed on the consumer and not on any provider. The seller shall be liable to remit all prepaid wireless 9-1-1 surcharges that the seller collects from consumers as provided in Section 20, including all such surcharges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller. The surcharge collected or deemed collected by a seller shall constitute a debt owed by the seller to this State, and any such surcharge actually collected shall be held in trust for the benefit of the Department.

For purposes of this subsection (c), the surcharge shall not be imposed or collected from entities that have an active tax exemption identification number issued by the Department under Section 1g of the Retailers' Occupation Tax Act.

(d) The amount of the prepaid wireless 9-1-1 surcharge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this State, any political subdivision of this State, or any intergovernmental agency.

(e) (Blank).

(e-5) Any changes in the rate of the surcharge imposed by a municipality under the authority granted in subsection (a-5) of this Section shall be effective on the first day of the first calendar month to occur at

least 60 days after the enactment of the change. The Department shall provide not less than 30 days' notice of the increase or reduction in the rate of such surcharge on the Department's website.

(f) When prepaid wireless telecommunications service is sold with one or more other products or services for a single, non-itemized price, then the percentage specified in subsection (a) or (a-5) of this Section 15 shall be applied to the entire non-itemized price unless the seller elects to apply the percentage to (i) the dollar amount of the prepaid wireless telecommunications service if that dollar amount is disclosed to the consumer or (ii) the portion of the price that is attributable to the prepaid wireless telecommunications service if the retailer can identify that portion by reasonable and verifiable standards from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, books and records that are kept for non-tax purposes. However, if a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single, non-itemized price, then the seller may elect not to apply the percentage specified in subsection (a) or (a-5) of this Section 15 to such transaction. For purposes of this subsection, an amount of service denominated as 10 minutes or less or $5 or less is considered minimal.

(g) The prepaid wireless 9-1-1 surcharge imposed under subsections (a) and (a-5) of this Section is not imposed on the 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 prepaid wireless 9-1-1 surcharge, and it must be collected by the seller according to subsection (b-5).

(Source: P.A. 102-9, eff. 6-3-21.)

Section 40. The School Code is amended by changing Sections 21B-20, 27-20.3, and 27-21 and by renumbering and changing Section 22-95, as added by Public Act 103-46, as follows:

(105 ILCS 5/21B-20)

(Text of Section before amendment by P.A. 103-193)

Sec. 21B-20. Types of licenses. The State Board of Education shall implement a system of educator licensure, whereby individuals employed in school districts who are required to be licensed must have one of the following licenses: (i) a professional educator license; (ii) an educator license with stipulations; (iii) a substitute teaching license; or (iv) until June 30, 2028, a short-term substitute teaching license. References in law regarding individuals certified or certificated or required to be certified or certificated under Article 21 of this Code shall also include individuals licensed or required to be licensed under this Article. The first year of all licenses ends on June 30 following one full year of the license being issued.

The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to govern the requirements for licenses and endorsements under this Section.

(1) Professional Educator License. Persons who (i) have successfully completed an approved educator preparation program and are recommended for licensure by the Illinois institution offering the educator preparation program, (ii) have successfully completed the required testing under Section 21B-30 of this Code, (iii) have successfully completed coursework on the psychology of, the identification of, and the methods of instruction for the exceptional child, including, without limitation, children with learning disabilities, (iv) have successfully completed coursework in methods of reading and reading in the content area, and (v) have met all other criteria established by rule of the State Board of Education shall be issued a Professional Educator License. All Professional Educator Licenses are valid until June 30 immediately following 5 years of the license being issued. The Professional Educator License shall be endorsed with specific areas and grade levels in which the individual is eligible to practice. For an early childhood education endorsement, an individual may satisfy the student teaching requirement of his or her early childhood teacher preparation program through placement in a setting with children from birth through grade 2, and the individual may be paid and receive credit while student teaching. The student teaching experience must meet the requirements of and be approved by the individual's early childhood teacher preparation program.

Individuals can receive subsequent endorsements on the Professional Educator License. Subsequent endorsements shall require a minimum of 24 semester hours of coursework in the endorsement area and passage of the applicable content area test, unless otherwise specified by rule.

(2) Educator License with Stipulations. An Educator License with Stipulations shall be issued an endorsement that limits the license holder to one particular position or does not require completion of an approved educator program or both.

An individual with an Educator License with Stipulations must not be employed by a school district or any other entity to replace any presently employed teacher who otherwise would not be replaced for any reason.

An Educator License with Stipulations may be issued with the following endorsements:

(A) (Blank).

(B) Alternative provisional educator. An alternative provisional educator endorsement on an Educator License with Stipulations may be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

(i) Graduated from a regionally accredited college or university with a minimum of a bachelor's degree.

(ii) Successfully completed the first phase of the Alternative Educator Licensure Program for Teachers, as described in Section 21B-50 of this Code.

(iii) Passed a content area test, as required under Section 21B-30 of this Code.

The alternative provisional educator endorsement is valid for 2 years of teaching and may be renewed for a third year by an individual meeting the requirements set forth in Section 21B-50 of this Code.

(C) Alternative provisional superintendent. An alternative provisional superintendent endorsement on an Educator License with Stipulations entitles the holder to serve only as a superintendent or assistant superintendent in a school district's central office. This endorsement may only be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

(i) Graduated from a regionally accredited college or university with a minimum of a master's degree in a management field other than education.

(ii) Been employed for a period of at least 5 years in a management level position in a field other than education.

(iii) Successfully completed the first phase of an alternative route to superintendent endorsement program, as provided in Section 21B-55 of this Code.

(iv) Passed a content area test required under Section 21B-30 of this Code.

The endorsement is valid for 2 fiscal years in order to complete one full year of serving as a superintendent or assistant superintendent.

(D) (Blank).

(E) Career and technical educator. A career and technical educator endorsement on an Educator License with Stipulations may be issued to an applicant who has a minimum of 60 semester hours of coursework from a regionally accredited institution of higher education or an accredited trade and technical institution and has a minimum of 2,000 hours of experience outside of education in each area to be taught.

The career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed.

An individual who holds a valid career and technical educator endorsement on an Educator License with Stipulations but does not hold a bachelor's degree may substitute teach in career and technical education classrooms.

(F) (Blank).

(G) Transitional bilingual educator. A transitional bilingual educator endorsement on an Educator License with Stipulations may be issued for the purpose of providing instruction in accordance with Article 14C of this Code to an applicant who provides satisfactory evidence that he or she meets all of the following requirements:

(i) Possesses adequate speaking, reading, and writing ability in the language other than English in which transitional bilingual education is offered.

(ii) Has the ability to successfully communicate in English.

(iii) Either possessed, within 5 years previous to his or her applying for a transitional bilingual educator endorsement, a valid and comparable teaching certificate or comparable authorization issued by a foreign country or holds a degree from an institution of higher learning in a foreign country that the State Educator Preparation and Licensure Board determines to be the equivalent of a bachelor's degree from a regionally accredited institution of higher learning in the United States.

A transitional bilingual educator endorsement shall be valid for prekindergarten through grade 12, is valid until June 30 immediately following 5 years of the endorsement being issued, and shall not be renewed.

Persons holding a transitional bilingual educator endorsement shall not be employed to replace any presently employed teacher who otherwise would not be replaced for any reason.

(H) Language endorsement. In an effort to alleviate the shortage of teachers speaking a language other than English in the public schools, an individual who holds an Educator License with Stipulations may also apply for a language endorsement, provided that the applicant provides satisfactory evidence that he or she meets all of the following requirements:

(i) Holds a transitional bilingual endorsement.

(ii) Has demonstrated proficiency in the language for which the endorsement is to be issued by passing the applicable language content test required by the State Board of Education.

(iii) Holds a bachelor's degree or higher from a regionally accredited institution of higher education or, for individuals educated in a country other than the United States, holds a degree from an institution of higher learning in a foreign country that the State Educator Preparation and Licensure Board determines to be the equivalent of a bachelor's degree from a regionally accredited institution of higher learning in the United States.

(iv) (Blank).

A language endorsement on an Educator License with Stipulations is valid for prekindergarten through grade 12 for the same validity period as the individual's transitional bilingual educator endorsement on the Educator License with Stipulations and shall not be renewed.

(I) Visiting international educator. A visiting international educator endorsement on an Educator License with Stipulations may be issued to an individual who is being recruited by a particular school district that conducts formal recruitment programs outside of the United States to secure the services of qualified teachers and who meets all of the following requirements:

(i) Holds the equivalent of a minimum of a bachelor's degree issued in the United States.

(ii) Has been prepared as a teacher at the grade level for which he or she will be employed.

(iii) Has adequate content knowledge in the subject to be taught.

(iv) Has an adequate command of the English language.

A holder of a visiting international educator endorsement on an Educator License with Stipulations shall be permitted to teach in bilingual education programs in the language that was the medium of instruction in his or her teacher preparation program, provided that he or she passes the English Language Proficiency Examination or another test of writing skills in English identified by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board.

A visiting international educator endorsement on an Educator License with Stipulations is valid for 5 years and shall not be renewed.

(J) Paraprofessional educator. A paraprofessional educator endorsement on an Educator License with Stipulations may be issued to an applicant who holds a high school diploma or its recognized equivalent and (i) holds an associate's degree or a minimum of 60 semester hours of credit from a regionally accredited institution of higher education; (ii) has passed a paraprofessional competency test under subsection (c-5) of Section 21B-30; or (iii) is at least 18 years of age and will be using the Educator License with Stipulations exclusively for grades prekindergarten through grade 8, until the individual reaches the age of 19 years and otherwise meets the criteria for a paraprofessional educator endorsement pursuant to this subparagraph (J). The paraprofessional educator endorsement is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed through application and payment of the appropriate fee, as required under Section 21B-40 of this Code. An individual who holds only a paraprofessional educator endorsement is not subject to additional requirements in order to renew the endorsement.

(K) Chief school business official. A chief school business official endorsement on an Educator License with Stipulations may be issued to an applicant who qualifies by having a

master's degree or higher, 2 years of full-time administrative experience in school business management or 2 years of university-approved practical experience, and a minimum of 24 semester hours of graduate credit in a program approved by the State Board of Education for the preparation of school business administrators and by passage of the applicable State tests, including an applicable content area test.

The chief school business official endorsement may also be affixed to the Educator License with Stipulations of any holder who qualifies by having a master's degree in business administration, finance, accounting, or public administration and who completes an additional 6 semester hours of internship in school business management from a regionally accredited institution of higher education and passes the applicable State tests, including an applicable content area test. This endorsement shall be required for any individual employed as a chief school business official.

The chief school business official endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed if the license holder completes renewal requirements as required for individuals who hold a Professional Educator License endorsed for chief school business official under Section 21B-45 of this Code and such rules as may be adopted by the State Board of Education.

The State Board of Education shall adopt any rules necessary to implement Public Act 100-288.

(L) Provisional in-state educator. A provisional in-state educator endorsement on an Educator License with Stipulations may be issued to a candidate who has completed an Illinois-approved educator preparation program at an Illinois institution of higher education and who has not successfully completed an evidence-based assessment of teacher effectiveness but who meets all of the following requirements:

(i) Holds at least a bachelor's degree.

(ii) Has completed an approved educator preparation program at an Illinois institution.

(iii) Has passed an applicable content area test, as required by Section 21B-30 of this Code.

(iv) Has attempted an evidence-based assessment of teacher effectiveness and received a minimum score on that assessment, as established by the State Board of Education in consultation with the State Educator Preparation and Licensure Board.

A provisional in-state educator endorsement on an Educator License with Stipulations is valid for one full fiscal year after the date of issuance and may not be renewed.

(M) (Blank).

(N) Specialized services. A specialized services endorsement on an Educator License with Stipulations may be issued as defined and specified by rule.

(O) Provisional career and technical educator. A provisional career and technical educator endorsement on an Educator License with Stipulations may be issued to an applicant who has a minimum of 8,000 hours of work experience in the skill for which the applicant is seeking the endorsement. Each employing school board and regional office of education shall provide verification, in writing, to the State Superintendent of Education at the time the application is submitted that no qualified teacher holding a Professional Educator License or an Educator License with Stipulations with a career and technical educator endorsement is available to teach and that actual circumstances require such issuance.

A provisional career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed.

An individual who holds a provisional career and technical educator endorsement on an Educator License with Stipulations may teach as a substitute teacher in career and technical education classrooms.

(3) Substitute Teaching License. A Substitute Teaching License may be issued to qualified applicants for substitute teaching in all grades of the public schools, prekindergarten through grade 12. Substitute Teaching Licenses are not eligible for endorsements. Applicants for a Substitute Teaching License must hold a bachelor's degree or higher from a regionally accredited institution of higher

education or must be enrolled in an approved educator preparation program in this State and have earned at least 90 credit hours.

Substitute Teaching Licenses are valid for 5 years.

Substitute Teaching Licenses are valid for substitute teaching in every county of this State. If an individual has had his or her Professional Educator License or Educator License with Stipulations suspended or revoked, then that individual is not eligible to obtain a Substitute Teaching License.

A substitute teacher may only teach in the place of a licensed teacher who is under contract with the employing board. If, however, there is no licensed teacher under contract because of an emergency situation, then a district may employ a substitute teacher for no longer than 30 calendar days per each vacant position in the district if the district notifies the appropriate regional office of education within 5 business days after the employment of the substitute teacher in the emergency situation. An emergency situation is one in which an unforeseen vacancy has occurred and (i) a teacher is unable to fulfill his or her contractual duties or (ii) teacher capacity needs of the district exceed previous indications, and the district is actively engaged in advertising to hire a fully licensed teacher for the vacant position.

There is no limit on the number of days that a substitute teacher may teach in a single school district, provided that no substitute teacher may teach for longer than 120 days beginning with the 2021-2022 school year through the 2022-2023 school year, otherwise 90 school days for any one licensed teacher under contract in the same school year. A substitute teacher who holds a Professional Educator License or Educator License with Stipulations shall not teach for more than 120 school days for any one licensed teacher under contract in the same school year. The limitations in this paragraph (3) on the number of days a substitute teacher may be employed do not apply to any school district operating under Article 34 of this Code.

A school district may not require an individual who holds a valid Professional Educator License or Educator License with Stipulations to seek or hold a Substitute Teaching License to teach as a substitute teacher.

(4) Short-Term Substitute Teaching License. Beginning on July 1, 2018 and until June 30, 2028, applicants may apply to the State Board of Education for issuance of a Short-Term Substitute Teaching License. A Short-Term Substitute Teaching License may be issued to a qualified applicant for substitute teaching in all grades of the public schools, prekindergarten through grade 12. Short-Term Substitute Teaching Licenses are not eligible for endorsements. Applicants for a Short-Term Substitute Teaching License must hold an associate's degree or have completed at least 60 credit hours from a regionally accredited institution of higher education.

Short-Term Substitute Teaching Licenses are valid for substitute teaching in every county of this State. If an individual has had his or her Professional Educator License or Educator License with Stipulations suspended or revoked, then that individual is not eligible to obtain a Short-Term Substitute Teaching License.

The provisions of Sections 10-21.9 and 34-18.5 of this Code apply to short-term substitute teachers.

An individual holding a Short-Term Substitute Teaching License may teach no more than 15 consecutive days per licensed teacher who is under contract. For teacher absences lasting 6 or more days per licensed teacher who is under contract, a school district may not hire an individual holding a Short-Term Substitute Teaching License, unless the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act. An individual holding a Short-Term Substitute Teaching License must complete the training program under Section 10-20.67 or 34-18.60 of this Code to be eligible to teach at a public school. Short-Term Substitute Teaching Licenses ~~Short-term substitute teaching licenses~~ under this Section are valid for 5 years.

(Source: P.A. 102-711, eff. 1-1-23; 102-712, eff. 4-27-22; 102-713, eff. 1-1-23; 102-717, eff. 4-29-22; 102-894, eff. 5-20-22; 103-111, eff. 6-29-23; 103-154, eff. 6-30-23; revised 9-7-23.)

(Text of Section after amendment by P.A. 103-193)

Sec. 21B-20. Types of licenses. The State Board of Education shall implement a system of educator licensure, whereby individuals employed in school districts who are required to be licensed must have one of the following licenses: (i) a professional educator license; (ii) an educator license with stipulations; (iii) a substitute teaching license; or (iv) until June 30, 2028, a short-term substitute teaching license. References

in law regarding individuals certified or certificated or required to be certified or certificated under Article 21 of this Code shall also include individuals licensed or required to be licensed under this Article. The first year of all licenses ends on June 30 following one full year of the license being issued.

The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to govern the requirements for licenses and endorsements under this Section.

(1) Professional Educator License. Persons who (i) have successfully completed an approved educator preparation program and are recommended for licensure by the Illinois institution offering the educator preparation program, (ii) have successfully completed the required testing under Section 21B-30 of this Code, (iii) have successfully completed coursework on the psychology of, the identification of, and the methods of instruction for the exceptional child, including, without limitation, children with learning disabilities, (iv) have successfully completed coursework in methods of reading and reading in the content area, and (v) have met all other criteria established by rule of the State Board of Education shall be issued a Professional Educator License. All Professional Educator Licenses are valid until June 30 immediately following 5 years of the license being issued. The Professional Educator License shall be endorsed with specific areas and grade levels in which the individual is eligible to practice. For an early childhood education endorsement, an individual may satisfy the student teaching requirement of his or her early childhood teacher preparation program through placement in a setting with children from birth through grade 2, and the individual may be paid and receive credit while student teaching. The student teaching experience must meet the requirements of and be approved by the individual's early childhood teacher preparation program.

Individuals can receive subsequent endorsements on the Professional Educator License. Subsequent endorsements shall require a minimum of 24 semester hours of coursework in the endorsement area and passage of the applicable content area test, unless otherwise specified by rule.

(2) Educator License with Stipulations. An Educator License with Stipulations shall be issued an endorsement that limits the license holder to one particular position or does not require completion of an approved educator program or both.

An individual with an Educator License with Stipulations must not be employed by a school district or any other entity to replace any presently employed teacher who otherwise would not be replaced for any reason.

An Educator License with Stipulations may be issued with the following endorsements:

(A) (Blank).

(B) Alternative provisional educator. An alternative provisional educator endorsement on an Educator License with Stipulations may be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

(i) Graduated from a regionally accredited college or university with a minimum of a bachelor's degree.

(ii) Successfully completed the first phase of the Alternative Educator Licensure Program for Teachers, as described in Section 21B-50 of this Code.

(iii) Passed a content area test, as required under Section 21B-30 of this Code.

The alternative provisional educator endorsement is valid for 2 years of teaching and may be renewed for a third year by an individual meeting the requirements set forth in Section 21B-50 of this Code.

(C) Alternative provisional superintendent. An alternative provisional superintendent endorsement on an Educator License with Stipulations entitles the holder to serve only as a superintendent or assistant superintendent in a school district's central office. This endorsement may only be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

(i) Graduated from a regionally accredited college or university with a minimum of a master's degree in a management field other than education.

(ii) Been employed for a period of at least 5 years in a management level position in a field other than education.

(iii) Successfully completed the first phase of an alternative route to superintendent endorsement program, as provided in Section 21B-55 of this Code.

(iv) Passed a content area test required under Section 21B-30 of this Code.

The endorsement is valid for 2 fiscal years in order to complete one full year of serving as a superintendent or assistant superintendent.

(D) (Blank).

(E) Career and technical educator. A career and technical educator endorsement on an Educator License with Stipulations may be issued to an applicant who has a minimum of 60 semester hours of coursework from a regionally accredited institution of higher education or an accredited trade and technical institution and has a minimum of 2,000 hours of experience outside of education in each area to be taught.

The career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed.

An individual who holds a valid career and technical educator endorsement on an Educator License with Stipulations but does not hold a bachelor's degree may substitute teach in career and technical education classrooms.

(F) (Blank).

(G) Transitional bilingual educator. A transitional bilingual educator endorsement on an Educator License with Stipulations may be issued for the purpose of providing instruction in accordance with Article 14C of this Code to an applicant who provides satisfactory evidence that he or she meets all of the following requirements:

(i) Possesses adequate speaking, reading, and writing ability in the language other than English in which transitional bilingual education is offered.

(ii) Has the ability to successfully communicate in English.

(iii) Either possessed, within 5 years previous to his or her applying for a transitional bilingual educator endorsement, a valid and comparable teaching certificate or comparable authorization issued by a foreign country or holds a degree from an institution of higher learning in a foreign country that the State Educator Preparation and Licensure Board determines to be the equivalent of a bachelor's degree from a regionally accredited institution of higher learning in the United States.

A transitional bilingual educator endorsement shall be valid for prekindergarten through grade 12, is valid until June 30 immediately following 5 years of the endorsement being issued, and shall not be renewed.

Persons holding a transitional bilingual educator endorsement shall not be employed to replace any presently employed teacher who otherwise would not be replaced for any reason.

(H) Language endorsement. In an effort to alleviate the shortage of teachers speaking a language other than English in the public schools, an individual who holds an Educator License with Stipulations may also apply for a language endorsement, provided that the applicant provides satisfactory evidence that he or she meets all of the following requirements:

(i) Holds a transitional bilingual endorsement.

(ii) Has demonstrated proficiency in the language for which the endorsement is to be issued by passing the applicable language content test required by the State Board of Education.

(iii) Holds a bachelor's degree or higher from a regionally accredited institution of higher education or, for individuals educated in a country other than the United States, holds a degree from an institution of higher learning in a foreign country that the State Educator Preparation and Licensure Board determines to be the equivalent of a bachelor's degree from a regionally accredited institution of higher learning in the United States.

(iv) (Blank).

A language endorsement on an Educator License with Stipulations is valid for prekindergarten through grade 12 for the same validity period as the individual's transitional bilingual educator endorsement on the Educator License with Stipulations and shall not be renewed.

(I) Visiting international educator. A visiting international educator endorsement on an Educator License with Stipulations may be issued to an individual who is being recruited by a particular school district that conducts formal recruitment programs outside of the United States to secure the services of qualified teachers and who meets all of the following requirements:

(i) Holds the equivalent of a minimum of a bachelor's degree issued in the United States.

(ii) Has been prepared as a teacher at the grade level for which he or she will be employed.

(iii) Has adequate content knowledge in the subject to be taught.

(iv) Has an adequate command of the English language.

A holder of a visiting international educator endorsement on an Educator License with Stipulations shall be permitted to teach in bilingual education programs in the language that was the medium of instruction in his or her teacher preparation program, provided that he or she passes the English Language Proficiency Examination or another test of writing skills in English identified by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board.

A visiting international educator endorsement on an Educator License with Stipulations is valid for 5 years and shall not be renewed.

(J) Paraprofessional educator. A paraprofessional educator endorsement on an Educator License with Stipulations may be issued to an applicant who holds a high school diploma or its recognized equivalent and (i) holds an associate's degree or a minimum of 60 semester hours of credit from a regionally accredited institution of higher education; (ii) has passed a paraprofessional competency test under subsection (c-5) of Section 21B-30; or (iii) is at least 18 years of age and will be using the Educator License with Stipulations exclusively for grades prekindergarten through grade 8, until the individual reaches the age of 19 years and otherwise meets the criteria for a paraprofessional educator endorsement pursuant to this subparagraph (J). The paraprofessional educator endorsement is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed through application and payment of the appropriate fee, as required under Section 21B-40 of this Code. An individual who holds only a paraprofessional educator endorsement is not subject to additional requirements in order to renew the endorsement.

(K) Chief school business official. A chief school business official endorsement on an Educator License with Stipulations may be issued to an applicant who qualifies by having a master's degree or higher, 2 years of full-time administrative experience in school business management or 2 years of university-approved practical experience, and a minimum of 24 semester hours of graduate credit in a program approved by the State Board of Education for the preparation of school business administrators and by passage of the applicable State tests, including an applicable content area test.

The chief school business official endorsement may also be affixed to the Educator License with Stipulations of any holder who qualifies by having a master's degree in business administration, finance, accounting, or public administration and who completes an additional 6 semester hours of internship in school business management from a regionally accredited institution of higher education and passes the applicable State tests, including an applicable content area test. This endorsement shall be required for any individual employed as a chief school business official.

The chief school business official endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed if the license holder completes renewal requirements as required for individuals who hold a Professional Educator License endorsed for chief school business official under Section 21B-45 of this Code and such rules as may be adopted by the State Board of Education.

The State Board of Education shall adopt any rules necessary to implement Public Act 100-288.

(L) Provisional in-state educator. A provisional in-state educator endorsement on an Educator License with Stipulations may be issued to a candidate who has completed an Illinois-approved educator preparation program at an Illinois institution of higher education and who has not successfully completed an evidence-based assessment of teacher effectiveness but who meets all of the following requirements:

(i) Holds at least a bachelor's degree.

(ii) Has completed an approved educator preparation program at an Illinois institution.

(iii) Has passed an applicable content area test, as required by Section 21B-30 of this Code.

(iv) Has attempted an evidence-based assessment of teacher effectiveness and received a minimum score on that assessment, as established by the State Board of Education in consultation with the State Educator Preparation and Licensure Board.

A provisional in-state educator endorsement on an Educator License with Stipulations is valid for one full fiscal year after the date of issuance and may not be renewed.

(M) (Blank).

(N) Specialized services. A specialized services endorsement on an Educator License with Stipulations may be issued as defined and specified by rule.

(O) Provisional career and technical educator. A provisional career and technical educator endorsement on an Educator License with Stipulations may be issued to an applicant who has a minimum of 8,000 hours of work experience in the skill for which the applicant is seeking the endorsement. Each employing school board and regional office of education shall provide verification, in writing, to the State Superintendent of Education at the time the application is submitted that no qualified teacher holding a Professional Educator License or an Educator License with Stipulations with a career and technical educator endorsement is available to teach and that actual circumstances require such issuance.

A provisional career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed.

An individual who holds a provisional career and technical educator endorsement on an Educator License with Stipulations may teach as a substitute teacher in career and technical education classrooms.

(3) Substitute Teaching License. A Substitute Teaching License may be issued to qualified applicants for substitute teaching in all grades of the public schools, prekindergarten through grade 12. Substitute Teaching Licenses are not eligible for endorsements. Applicants for a Substitute Teaching License must hold a bachelor's degree or higher from a regionally accredited institution of higher education or must be enrolled in an approved educator preparation program in this State and have earned at least 90 credit hours.

Substitute Teaching Licenses are valid for 5 years.

Substitute Teaching Licenses are valid for substitute teaching in every county of this State. If an individual has had his or her Professional Educator License or Educator License with Stipulations suspended or revoked, then that individual is not eligible to obtain a Substitute Teaching License.

A substitute teacher may only teach in the place of a licensed teacher who is under contract with the employing board. If, however, there is no licensed teacher under contract because of an emergency situation, then a district may employ a substitute teacher for no longer than 30 calendar days per each vacant position in the district if the district notifies the appropriate regional office of education within 5 business days after the employment of the substitute teacher in that vacant position. A district may continue to employ that same substitute teacher in that same vacant position for 90 calendar days or until the end of the semester, whichever is greater, if, prior to the expiration of the 30-calendar-day period then current, the district files a written request with the appropriate regional office of education for a 30-calendar-day extension on the basis that the position remains vacant and the district continues to actively seek qualified candidates and provides documentation that it has provided training specific to the position, including training on meeting the needs of students with disabilities and English learners if applicable. Each extension request shall be granted in writing by the regional office of education. An emergency situation is one in which an unforeseen vacancy has occurred and (i) a teacher is unexpectedly unable to fulfill his or her contractual duties or (ii) teacher capacity needs of the district exceed previous indications or vacancies are unfilled due to a lack of qualified candidates, and the district is actively engaged in advertising to hire a fully licensed teacher for the vacant position.

There is no limit on the number of days that a substitute teacher may teach in a single school district, provided that no substitute teacher may teach for longer than 120 days beginning with the 2021-2022 school year through the 2022-2023 school year, otherwise 90 school days for any one licensed teacher under contract in the same school year. A substitute teacher who holds a Professional Educator License or Educator License with Stipulations shall not teach for more than 120 school days

for any one licensed teacher under contract in the same school year. The limitations in this paragraph (3) on the number of days a substitute teacher may be employed do not apply to any school district operating under Article 34 of this Code.

A school district may not require an individual who holds a valid Professional Educator License or Educator License with Stipulations to seek or hold a Substitute Teaching License to teach as a substitute teacher.

(4) Short-Term Substitute Teaching License. Beginning on July 1, 2018 and until June 30, 2028, applicants may apply to the State Board of Education for issuance of a Short-Term Substitute Teaching License. A Short-Term Substitute Teaching License may be issued to a qualified applicant for substitute teaching in all grades of the public schools, prekindergarten through grade 12. Short-Term Substitute Teaching Licenses are not eligible for endorsements. Applicants for a Short-Term Substitute Teaching License must hold an associate's degree or have completed at least 60 credit hours from a regionally accredited institution of higher education.

Short-Term Substitute Teaching Licenses are valid for substitute teaching in every county of this State. If an individual has had his or her Professional Educator License or Educator License with Stipulations suspended or revoked, then that individual is not eligible to obtain a Short-Term Substitute Teaching License.

The provisions of Sections 10-21.9 and 34-18.5 of this Code apply to short-term substitute teachers.

An individual holding a Short-Term Substitute Teaching License may teach no more than 15 consecutive days per licensed teacher who is under contract. For teacher absences lasting 6 or more days per licensed teacher who is under contract, a school district may not hire an individual holding a Short-Term Substitute Teaching License, unless the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act. An individual holding a Short-Term Substitute Teaching License must complete the training program under Section 10-20.67 or 34-18.60 of this Code to be eligible to teach at a public school. Short-Term Substitute Teaching Licenses ~~Short-term substitute teaching licenses~~ under this Section are valid for 5 years.

(Source: P.A. 102-711, eff. 1-1-23; 102-712, eff. 4-27-22; 102-713, eff. 1-1-23; 102-717, eff. 4-29-22; 102-894, eff. 5-20-22; 103-111, eff. 6-29-23; 103-154, eff. 6-30-23; 103-193, eff. 1-1-24; revised 9-7-23.)

(105 ILCS 5/22-96)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 22-96 ~~22-95~~. Hiring or assigning priority.

(a) When hiring or assigning physical education, music, and visual arts educators, a school district must prioritize the hiring or assigning of educators who hold an educator license and endorsement in the ~~those~~ content area to be taught ~~areas~~.

(b) A licensed ~~professional~~ educator assigned to physical education, music, or visual arts who does not hold an endorsement in the content area to be taught ~~licensure applicant~~ must acquire short-term approval under Part 25 of Title 23 of the Illinois Administrative Code by the State Board of Education ~~pass the licensure content area test for the content area he or she is assigned to teach or complete at least 9 semester hours of coursework~~ in the content area to be taught prior to his or her assignment or employment start date. If no short-term approval is available in the content area to be taught, the licensed educator shall meet equivalent criteria specified by the State Board of Education. In order to retain his or her employment for subsequent school years, the educator ~~employee~~ must acquire the full endorsement in the content area to be taught prior to the end of the validity period of the short-term approval ~~complete the remaining hours of coursework in the content area in which he or she is teaching and apply for a license endorsement within 3 calendar years after his or her employment start date~~.

(c) In the case of a reduction in force, a school district may follow its employee contract language for filling positions.

(d) Instead of holding the credentials specified in subsection (a) or (b) of this Section, an educator assigned to a position under this Section may meet any requirements set forth under Title 23 of the Illinois Administrative Code as applicable to the content area to be taught, except that subsection (b) of Section 1.710 of Title 23 of the Illinois Administrative Code does not apply to an educator assigned to a position under this subsection (d).

(Source: P.A. 103-46, eff. 1-1-24; revised 9-25-23.)

(105 ILCS 5/27-20.3) (from Ch. 122, par. 27-20.3)

Sec. 27-20.3. Holocaust and Genocide Study.

(a) Every public elementary school and high school shall include in its curriculum a unit of instruction studying the events of the Nazi atrocities of 1933 to 1945. This period in world history is known as the Holocaust, during which 6,000,000 Jews and millions of non-Jews were exterminated. One of the universal lessons of the Holocaust is that national, ethnic, racial, or religious hatred can overtake any nation or society, leading to calamitous consequences. To reinforce that lesson, such curriculum shall include an additional unit of instruction studying other acts of genocide across the globe. This unit shall include, but not be limited to, the Native American genocide in North America, the Armenian Genocide, the Famine-Genocide in Ukraine, and more recent atrocities in Cambodia, Bosnia, Rwanda, and Sudan. The studying of this material is a reaffirmation of the commitment of free peoples from all nations to never again permit the occurrence of another Holocaust and a recognition that crimes of genocide continue to be perpetrated across the globe as they have been in the past and to deter indifference to crimes against humanity and human suffering wherever they may occur.

(b) The State Superintendent of Education may prepare and make available to all school boards instructional materials which may be used as guidelines for development of a unit of instruction under this Section; provided, however, that each school board shall itself determine the minimum amount of instruction time which shall qualify as a unit of instruction satisfying the requirements of this Section.

Instructional materials that include the addition of content related to the Native American genocide in North America shall be prepared and made available to all school boards on the State Board of Education's Internet website no later than July 1, 2024 ~~January 1, 2025~~. Notwithstanding subsection (a) of this Section, a school is not required to teach the additional content related to the Native American genocide in North America until instructional materials are made available on the State Board's Internet website.

Instructional materials related to the Native American genocide in North America shall be developed in consultation with members of the Chicago American Indian Community Collaborative who are members of a federally recognized tribe, are documented descendants of Indigenous communities, or are other persons recognized as contributing community members by the Chicago American Indian Community Collaborative and who currently reside in this State or their designees.

(Source: P.A. 103-422, eff. 8-4-23.)

(105 ILCS 5/27-21) (from Ch. 122, par. 27-21)

Sec. 27-21. History of United States.

(a) History of the United States shall be taught in all public schools and in all other educational institutions in this State supported or maintained, in whole or in part, by public funds.

The teaching of history shall have as one of its objectives the imparting to pupils of a comprehensive idea of our democratic form of government and the principles for which our government stands as regards other nations, including the studying of the place of our government in world-wide movements and the leaders thereof, with particular stress upon the basic principles and ideals of our representative form of government.

The teaching of history shall include a study of the role and contributions of African Americans and other ethnic groups, including, but not restricted to, Native Americans, Polish, Lithuanian, German, Hungarian, Irish, Bohemian, Russian, Albanian, Italian, Czech, Slovak, French, Scots, Hispanics, Asian Americans, etc., in the history of this country and this State. To reinforce the study of the role and contributions of Hispanics, such curriculum shall include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression.

The teaching of history shall also include teaching about Native American nations' sovereignty and self-determination, both historically and in the present day, with a focus on urban Native Americans.

In public schools only, the teaching of history shall include a study of the roles and contributions of lesbian, gay, bisexual, and transgender people in the history of this country and this State.

The teaching of history also shall include a study of the role of labor unions and their interaction with government in achieving the goals of a mixed free enterprise system.

Beginning with the 2020-2021 school year, the teaching of history must also include instruction on the history of Illinois.

The teaching of history shall include the contributions made to society by Americans of different faith practices, including, but not limited to, Native Americans, Muslim Americans, Jewish Americans, Christian Americans, Hindu Americans, Sikh Americans, Buddhist Americans, and any other collective community of faith that has shaped America.

(b) No pupils shall be graduated from the eighth grade of any public school unless the pupils have received instruction in the history of the United States as provided in this Section and give evidence of having a comprehensive knowledge thereof, which may be administered remotely.

(c) ~~The State Superintendent of Education may prepare and make available to all school boards instructional materials that may be used as guidelines for the development of instruction under this Section; however, each school board shall itself determine the minimum amount of instructional time required for satisfying the requirements of this Section.~~ Instructional materials that include the addition of content related to Native Americans shall be prepared by the State Superintendent of Education and made available to all school boards on the State Board of Education's Internet website no later than July 1, 2024 ~~January 1, 2025~~. These instructional materials may be used by school boards as guidelines for the development of instruction under this Section; however, each school board shall itself determine the minimum amount of instructional time for satisfying the requirements of this Section. Notwithstanding subsections (a) and (b) of this Section, a school or other educational institution is not required to teach and a pupil is not required to learn the additional content related to Native Americans until instructional materials are made available on the State Board's Internet website.

Instructional materials related to Native Americans shall be developed in consultation with members of the Chicago American Indian Community Collaborative who are members of a federally recognized tribe, are documented descendants of Indigenous communities, or are other persons recognized as contributing community members by the Chicago American Indian Community Collaborative and who currently reside in this State.

(Source: P.A. 102-411, eff. 1-1-22; 103-422, eff. 8-4-23.)

Section 45. The Child Care Act of 1969 is amended by changing Sections 2.06 and 2.17 and by adding Section 2.35 as follows:

(225 ILCS 10/2.06) (from Ch. 23, par. 2212.06)

Sec. 2.06. "Child care institution" means a child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools, primarily serving ambulatory children with disabilities, and those operating a full calendar year, but does not include:

(a) any State-operated institution for child care established by legislative action;

(b) any juvenile detention or shelter care home established and operated by any county or child protection district established under the "Child Protection Act";

(c) any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;

(d) any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or taught in public elementary schools, high schools, or both elementary and high schools, and which operates on a regular academic school year basis; ~~or~~

(e) any facility licensed as a "group home" as defined in this Act; or ~~.~~

(f) any qualified residential treatment program.

(Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

(225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

Sec. 2.17. "Foster family home" means the home of an individual or family:

(1) that is licensed or approved by the state in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

(2) in which a child in foster care has been placed in the care of an individual who resides with the child and who has been licensed or approved by the state to be a foster parent and:

(A) who the Department of Children and Family Services deems capable of adhering to the reasonable and prudent parent standard;

(B) who provides 24-hour substitute care for children placed away from their parents or other caretakers; and

(3) who provides the care for ~~a facility for child care in residences of families who receive~~ no more than 6 children ~~unrelated to them, unless all the children are of common parentage, or residences of relatives who receive no more than 6 related children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis~~, except

the Director of Children and Family Services, pursuant to Department regulations, may waive the numerical limitation of foster children who may be cared for in a foster family home for any of the following reasons to allow: (i) ~~(1)~~ a parenting youth in foster care to remain with the child of the parenting youth; (ii) ~~(2)~~ siblings to remain together; (iii) ~~(3)~~ a child with an established meaningful relationship with the family to remain with the family; or (iv) ~~(4)~~ a family with special training or skills to provide care to a child who has a severe disability. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served.

For purposes of this Section, a "relative" includes any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is a child's step-father, step-mother, or adult step-brother or step-sister; or (iv) is a fictive kin; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For purposes of placement of children pursuant to Section 7 of the Children and Family Services Act and for purposes of licensing requirements set forth in Section 4 of this Act, for children under the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987, after a parent signs a consent, surrender, or waiver or after a parent's rights are otherwise terminated, and while the child remains in the custody or guardianship of the Department, the child is considered to be related to those to whom the child was related under this Section prior to the signing of the consent, surrender, or waiver or the order of termination of parental rights.

The term "foster family home" includes homes receiving children from any State-operated institution for child care; or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their own homes. The term "foster family home" does not include an "adoption-only home" as defined in Section 2.23 of this Act. The types of foster family homes are defined as follows:

(a) "Boarding home" means a foster family home which receives payment for regular full-time care of a child or children.

(b) "Free home" means a foster family home other than an adoptive home which does not receive payments for the care of a child or children.

(c) "Adoptive home" means a foster family home which receives a child or children for the purpose of adopting the child or children, but does not include an adoption-only home.

(d) "Work-wage home" means a foster family home which receives a child or children who pay part or all of their board by rendering some services to the family not prohibited by the Child Labor Law or by standards or regulations of the Department prescribed under this Act. The child or children may receive a wage in connection with the services rendered the foster family.

(e) "Agency-supervised home" means a foster family home under the direct and regular supervision of a licensed child welfare agency, of the Department of Children and Family Services, of a circuit court, or of any other State agency which has authority to place children in child care facilities, and which receives no more than 8 children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.

(f) "Independent home" means a foster family home, other than an adoptive home, which receives no more than 4 children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Department.

(g) "Host home" means an emergency foster family home under the direction and regular supervision of a licensed child welfare agency, contracted to provide short-term crisis intervention services to youth served under the Comprehensive Community-Based Youth Services program, under the direction of the Department of Human Services. The youth shall not be under the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987.

(Source: P.A. 101-63, eff. 7-12-19; 102-688, eff. 7-1-22.)

(225 ILCS 10/2.35 new)

Sec. 2.35. Qualified residential treatment program. "Qualified residential treatment program" means a program that:

(1) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or

disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required under 42 U.S.C. 675a(c);

(2) whether by acquisition of direct employment or otherwise, has registered or licensed nursing staff and other licensed clinical staff who:

(A) provide care within the scope of their practice as defined by law;

(B) are located on-site; and

(C) are available 24 hours a day, 7 days a week;

(3) to the extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

(4) facilitates outreach to the family members of the child, including siblings, documents how the outreach is made, including contact information, and maintains contact information for any known biological family and fictive kin of the child;

(5) documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;

(6) provides discharge planning and family-based aftercare support for at least 6 months post-discharge; and

(7) is licensed in accordance with this Act and is accredited by any of the following independent, not-for-profit organizations:

(A) the Commission on Accreditation of Rehabilitation Facilities;

(B) the Joint Commission;

(C) the Council on Accreditation; or

(D) any other independent, not-for-profit accrediting organization approved by the Secretary of Health and Human Services as described in 42 U.S.C. 672 (k)(4).

Section 50. The Laser System Act of 1997 is amended by changing Section 16 as follows:

(420 ILCS 56/16)

Sec. 16. Laser safety officers.

(a) Each laser installation ~~whose function is for the use of a temporary laser display~~ shall use a laser safety officer.

(b) The Agency shall adopt rules specifying minimum training and experience requirements for laser safety officers. The requirements shall be specific to the evaluation and control of laser hazards for different types of laser systems and the purpose for which a laser system is used.

(c) If a laser safety officer encounters noncompliance with this Act or rules adopted under this Act in the course of performing duties as a laser safety officer, then the laser safety officer shall report that noncompliance to the Agency as soon as practical to protect public health and safety.

(d) No person may act as a laser safety officer or advertise or use any title implying qualification as a laser safety officer unless the person meets the training and experience requirements of this Act and the training and experience requirements established by the Agency under subsection (b).

(Source: P.A. 103-277, eff. 7-28-23.)

Section 55. The Juvenile Court Act of 1987 is amended by changing Section 1-3 as follows:

(705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

Sec. 1-3. Definitions. Terms used in this Act, unless the context otherwise requires, have the following meanings ascribed to them:

(1) "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition under Section 2-13, 3-15, or 4-12 that a minor under 18 years of age is abused, neglected, or dependent, or requires authoritative intervention, or addicted, respectively, are supported by a preponderance of the evidence or whether the allegations of a petition under Section 5-520 that a minor is delinquent are proved beyond a reasonable doubt.

(2) "Adult" means a person 21 years of age or older.

(3) "Agency" means a public or private child care facility legally authorized or licensed by this State for placement or institutional care or for both placement and institutional care.

(4) "Association" means any organization, public or private, engaged in welfare functions which include services to or on behalf of children but does not include "agency" as herein defined.

(4.05) Whenever a "best interest" determination is required, the following factors shall be considered in the context of the child's age and developmental needs:

(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;

(b) the development of the child's identity;

(c) the child's background and ties, including familial, cultural, and religious;

(d) the child's sense of attachments, including:

(i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

(ii) the child's sense of security;

(iii) the child's sense of familiarity;

(iv) continuity of affection for the child;

(v) the least disruptive placement alternative for the child;

(e) the child's wishes and long-term goals;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child.

(4.1) "Chronic truant" shall have the definition ascribed to it in Section 26-2a of the School Code.

(5) "Court" means the circuit court in a session or division assigned to hear proceedings under this Act.

(6) "Dispositional hearing" means a hearing to determine whether a minor should be adjudged to be a ward of the court, and to determine what order of disposition should be made in respect to a minor adjudged to be a ward of the court.

(6.5) "Dissemination" or "disseminate" means to publish, produce, print, manufacture, distribute, sell, lease, exhibit, broadcast, display, transmit, or otherwise share information in any format so as to make the information accessible to others.

(7) "Emancipated minor" means any minor 16 years of age or over who has been completely or partially emancipated under the Emancipation of Minors Act or under this Act.

(7.03) "Expunge" means to physically destroy the records and to obliterate the minor's name from any official index, public record, or electronic database.

(7.05) "Foster parent" includes a relative caregiver selected by the Department of Children and Family Services to provide care for the minor.

(8) "Guardianship of the person" of a minor means the duty and authority to act in the best interests of the minor, subject to residual parental rights and responsibilities, to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned with the minor's general welfare. It includes but is not necessarily limited to:

(a) the authority to consent to marriage, to enlistment in the armed forces of the United States, or to a major medical, psychiatric, and surgical treatment; to represent the minor in legal actions; and to make other decisions of substantial legal significance concerning the minor;

(b) the authority and duty of reasonable visitation, except to the extent that these have been limited in the best interests of the minor by court order;

(c) the rights and responsibilities of legal custody except where legal custody has been vested in another person or agency; and

(d) the power to consent to the adoption of the minor, but only if expressly conferred on the guardian in accordance with Section 2-29, 3-30, or 4-27.

(8.1) "Juvenile court record" includes, but is not limited to:

(a) all documents filed in or maintained by the juvenile court pertaining to a specific incident, proceeding, or individual;

(b) all documents relating to a specific incident, proceeding, or individual made available to or maintained by probation officers;

(c) all documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings; or

(d) all documents, transcripts, records, reports, or other evidence prepared by, maintained by, or released by any municipal, county, or State agency or department, in any format, if indicating involvement with the juvenile court relating to a specific incident, proceeding, or individual.

(8.2) "Juvenile law enforcement record" includes records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense, and records maintained by a law enforcement agency that identifies a juvenile as a suspect in committing an offense, but does not include records identifying a juvenile as a victim, witness, or missing juvenile and any records created, maintained, or used for purposes of referral to programs relating to diversion as defined in subsection (6) of Section 5-105.

(9) "Legal custody" means the relationship created by an order of court in the best interests of the minor which imposes on the custodian the responsibility of physical possession of a minor and the duty to protect, train and discipline the minor and to provide the minor with food, shelter, education, and ordinary medical care, except as these are limited by residual parental rights and responsibilities and the rights and responsibilities of the guardian of the person, if any.

(9.1) "Mentally capable adult relative" means a person 21 years of age or older who is not suffering from a mental illness that prevents the person from providing the care necessary to safeguard the physical safety and welfare of a minor who is left in that person's care by the parent or parents or other person responsible for the minor's welfare.

(10) "Minor" means a person under the age of 21 years subject to this Act.

(11) "Parent" means a father or mother of a child and includes any adoptive parent. It also includes a person (i) whose parentage is presumed or has been established under the law of this or another jurisdiction or (ii) who has registered with the Putative Father Registry in accordance with Section 12.1 of the Adoption Act and whose paternity has not been ruled out under the law of this or another jurisdiction. It does not include a parent whose rights in respect to the minor have been terminated in any manner provided by law. It does not include a person who has been or could be determined to be a parent under the Illinois Parentage Act of 1984 or the Illinois Parentage Act of 2015, or similar parentage law in any other state, if that person has been convicted of or pled nolo contendere to a crime that resulted in the conception of the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not subsection (c)) of Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, or similar statute in another jurisdiction unless upon motion of any party, other than the offender, to the juvenile court proceedings the court finds it is in the child's best interest to deem the offender a parent for purposes of the juvenile court proceedings.

(11.1) "Permanency goal" means a goal set by the court as defined in subdivision (2) of Section 2-28.

(11.2) "Permanency hearing" means a hearing to set the permanency goal and to review and determine (i) the appropriateness of the services contained in the plan and whether those services have been provided, (ii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iii) whether the plan and goal have been achieved.

(12) "Petition" means the petition provided for in Section 2-13, 3-15, 4-12, or 5-520, including any supplemental petitions thereunder in Section 3-15, 4-12, or 5-520.

(12.1) "Physically capable adult relative" means a person 21 years of age or older who does not have a severe physical disability or medical condition, or is not suffering from alcoholism or drug addiction, that prevents the person from providing the care necessary to safeguard the physical safety and welfare of a minor who is left in that person's care by the parent or parents or other person responsible for the minor's welfare.

(12.2) "Post Permanency Sibling Contact Agreement" has the meaning ascribed to the term in Section 7.4 of the Children and Family Services Act.

(12.3) "Residential treatment center" means a licensed setting that provides 24-hour care to children in a group home or institution, including a facility licensed as a child care institution under Section 2.06 of the Child Care Act of 1969, a licensed group home under Section 2.16 of the Child Care Act of 1969, a qualified residential treatment program under Section 2.35 of the Child Care Act of 1969, a secure child care facility as defined in paragraph (18) of this Section, or any similar facility in another state. "Residential treatment center" does not include a relative foster home or a licensed foster family home.

(13) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right to reasonable visitation (which may be limited by the court in the best interests of the minor as provided in subsection (8)(b) of this Section), the right to consent to adoption, the right to determine the minor's religious affiliation, and the responsibility for the minor's support.

(14) "Shelter" means the temporary care of a minor in physically unrestricting facilities pending court disposition or execution of court order for placement.

(14.05) "Shelter placement" means a temporary or emergency placement for a minor, including an emergency foster home placement.

(14.1) "Sibling Contact Support Plan" has the meaning ascribed to the term in Section 7.4 of the Children and Family Services Act.

(14.2) "Significant event report" means a written document describing an occurrence or event beyond the customary operations, routines, or relationships in the Department of Children of Family Services, a child care facility, or other entity that is licensed or regulated by the Department of Children of Family Services or that provides services for the Department of Children of Family Services under a grant, contract, or purchase of service agreement; involving children or youth, employees, foster parents, or relative caregivers; allegations of abuse or neglect or any other incident raising a concern about the well-being of a minor under the jurisdiction of the court under Article II of the Juvenile Court Act of 1987; incidents involving damage to property, allegations of criminal activity, misconduct, or other occurrences affecting the operations of the Department of Children of Family Services or a child care facility; any incident that could have media impact; and unusual incidents as defined by Department of Children and Family Services rule.

(15) "Station adjustment" means the informal handling of an alleged offender by a juvenile police officer.

(16) "Ward of the court" means a minor who is so adjudged under Section 2-22, 3-23, 4-20, or 5-705, after a finding of the requisite jurisdictional facts, and thus is subject to the dispositional powers of the court under this Act.

(17) "Juvenile police officer" means a sworn police officer who has completed a Basic Recruit Training Course, has been assigned to the position of juvenile police officer by the officer's chief law enforcement officer and has completed the necessary juvenile officers training as prescribed by the Illinois Law Enforcement Training Standards Board, or in the case of a State police officer, juvenile officer training approved by the Director of the Illinois State Police.

(18) "Secure child care facility" means any child care facility licensed by the Department of Children and Family Services to provide secure living arrangements for children under 18 years of age who are subject to placement in facilities under the Children and Family Services Act and who are not subject to placement in facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections. "Secure child care facility" also means a facility that is designed and operated to ensure that all entrances and exits from the facility, a building, or a distinct part of the building are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building.

(Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23; revised 9-20-23.)

Section 60. The Crime Victims Compensation Act is amended by changing Sections 2 and 10.1 as follows:

(740 ILCS 45/2)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Applicant" means any of the following claiming compensation under this Act: a victim, a person who was a dependent of a deceased victim of a crime of violence for the person's support at the time of the death of that victim, a person who legally assumes the obligation or who voluntarily pays the medical or the funeral or burial expenses incurred as a direct result of the crime, and any other ~~person who applies for compensation under this Act or any~~ person the Court of Claims or the Attorney General finds is entitled to compensation, including the guardian of a minor or of a person under legal disability. ~~It includes any person who was a dependent of a deceased victim of a crime of violence for his or her support at the time of the death of that victim.~~

The changes made to this subsection by Public Act 101-652 apply to actions commenced or pending on or after January 1, 2022.

(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or subdivision (a)(4) of Section 11-14.4, of the Criminal

Code of 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act, Section 125 of the Stalking No Contact Order Act, Section 219 of the Civil No Contact Order Act, driving under the influence as defined in Section 11-501 of the Illinois Vehicle Code, a violation of Section 11-401 of the Illinois Vehicle Code, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact, and a violation of Section 11-204.1 of the Illinois Vehicle Code; so long as the offense did not occur during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or crash involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse, parent, or child of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.05) a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, or half sister of a person killed or injured in this State as a result of a crime of violence, (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible, (7) the parent, spouse, or child of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, or (8) (blank) ~~solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any parent, spouse, or child under the age of 18 of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence~~.

(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.

(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle, aunt, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child.

(g) "Child" means a son or daughter and includes a stepchild, an adopted child or a child born out of wedlock.

(h) "Pecuniary loss" means:~~,~~

(1) in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto;

(2) transportation expenses to and from medical and counseling treatment facilities;

(3) prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime;

(4) expenses incurred for the towing and storage of a victim's vehicle in connection with a crime of violence, to a maximum of $1,000;

(5) costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure;

(6) replacement costs for clothing and bedding used as evidence;

(7) costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first 2 months' ~~month's~~ rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime;

(8) locks or windows necessary or damaged as a result of the crime;

(9) the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; "real and personal property" includes, but is not limited to, vehicles, houses, apartments, townhouses, or condominiums;

(10) the costs of appropriate crime scene clean-up;

(11) replacement services loss, to a maximum of $1,250 per month, with this amount to be divided in proportion to the amount of the actual loss among those entitled to compensation;

(12) dependents replacement services loss, to a maximum of $1,250 per month, with this amount to be divided in proportion to the amount of the actual loss among those entitled to compensation;

(13) loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her;

(14) loss of earnings, loss of future earnings because of disability resulting from the injury. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work the victim was capable of performing but unreasonably failed to undertake; loss of earnings and loss of future earnings shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month;~~.~~

(15) loss of support of the dependents of the victim. Loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Loss of support for minors shall be divided in proportion to the amount of the actual loss among those entitled to such compensation;

(16) ~~and, in addition,~~ in the case of death, expenses for reasonable funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may be awarded up to a maximum of $10,000 for each victim. Other individuals that have paid or become obligated to pay funeral or burial expenses for the deceased shall share a maximum award of $10,000, with the award divided in proportion to the amount of the actual loss among those entitled to compensation; and ~~and loss of support of the dependents of the victim;~~

(17) in the case of dismemberment or desecration of a body, expenses for reasonable funeral and burial, all of which may be awarded up to a maximum of $10,000 for each victim. Other individuals that have paid or become obligated to pay funeral or burial expenses for the deceased shall share a maximum award of $10,000, with the award divided in proportion to the amount of the actual loss among those entitled to compensation. ~~Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less or, in cases where the absences commenced more~~

~~than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums.~~

"Pecuniary loss" does not include pain and suffering or property loss or damage.

The changes made to this subsection by Public Act 101-652 apply to actions commenced or pending on or after January 1, 2022.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents or private legal guardians of minor dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, stepfather, stepmother, child, brother, sister, or spouse.

(l) "Parent" means a natural parent, adopted parent, stepparent, or permanent legal guardian of another person.

(m) "Trafficking tattoo" is a tattoo which is applied to a victim in connection with the commission of a violation of Section 10-9 of the Criminal Code of 2012.

(Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; 103-154, eff. 6-30-23.)

(740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

Sec. 10.1. Award ~~Amount~~ of compensation. The awarding of compensation and the amount of compensation to which an applicant and other persons are entitled shall be based on the following factors:

(a) Each ~~A~~ victim may be compensated for his or her pecuniary loss up the maximum amount allowable.

(b) Each ~~A~~ dependent may be compensated for loss of support, as provided in paragraph (15) of subsection (h) of Section 2.

(c) Any person, even though not dependent upon the victim for his or her support, may be compensated for reasonable expenses of the victim to the extent to which he or she has paid or become obligated to pay such expenses and only after compensation for reasonable funeral, medical and hospital expenses of the victim have been awarded may compensation be made for reasonable expenses of the victim incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime. Persons that have paid or become obligated to pay expenses for a victim shall share the maximum award with the amount divided in proportion to the amount of the actual loss among those entitled to compensation.

(d) An award shall be reduced or denied according to the extent to which the victim's injury or death was caused by provocation or incitement by the victim or the victim assisting, attempting, or committing a criminal act. A denial or reduction shall not automatically bar the survivors of homicide victims from receiving compensation for counseling, crime scene cleanup, relocation, funeral or burial costs, and loss of support if the survivor's actions have not initiated, provoked, or aggravated the suspect into initiating the qualifying crime.

(e) An award shall be reduced by the amount of benefits, payments or awards payable under those sources which are required to be listed under item (7) of Section 7.1(a) and any other sources except annuities, pension plans, Federal Social Security payments payable to dependents of the victim and the net proceeds of the first $25,000 of life insurance that would inure to the benefit of the applicant, which the applicant or any other person dependent for the support of a deceased victim, as the case may be, has received or to which he or she is entitled as a result of injury to or death of the victim.

(f) A final award shall not exceed $10,000 for a crime committed prior to September 22, 1979, $15,000 for a crime committed on or after September 22, 1979 and prior to January 1, 1986, $25,000 for a crime committed on or after January 1, 1986 and prior to August 7, 1998, $27,000 for a crime

committed on or after August 7, 1998 and prior to August 7, 2022, or $45,000 per victim for a crime committed on or after August 7, 2022. For any applicant who is not a victim, if ~~If~~ the total pecuniary loss is greater than the maximum amount allowed, the award shall be divided in proportion to the amount of actual loss among those entitled to compensation who are not victims.

(g) Compensation under this Act is a secondary source of compensation and the applicant must show that he or she has exhausted the benefits reasonably available under the Criminal Victims' Escrow Account Act or any governmental or medical or health insurance programs, including, but not limited to, Workers' Compensation, the Federal Medicare program, the State Public Aid program, Social Security Administration burial benefits, and Veterans Administration burial benefits, and life, health, accident, full vehicle coverage (including towing insurance, if available), or liability insurance.
(Source: P.A. 102-27, eff. 1-1-22; 102-905, eff. 1-1-23.)

Section 65. The Day and Temporary Labor Services Act is amended by changing Section 42 as follows:

(820 ILCS 175/42)

Sec. 42. Equal pay for equal work. A day or temporary laborer who is assigned to work at a third party client for more than 90 calendar days shall be paid not less than the rate of pay and equivalent benefits as the lowest paid directly hired employee of the third party client with the same level of seniority at the company and performing the same or substantially similar work on jobs the performance of which requires substantially similar skill, effort, and responsibility, and that are performed under similar working conditions. If there is not a directly hired comparative employee of the third party client, the day or temporary laborer shall be paid not less than the rate of pay and equivalent benefits of the lowest paid direct hired employee of the company with the closest level of seniority at the company. A day and temporary labor service agency may pay the hourly cash equivalent of the actual cost benefits in lieu of benefits required under this Section. Upon request, a third party client to which a day or temporary laborer has been assigned for more than 90 calendar days shall be obligated to timely provide the day and temporary labor service agency with all necessary information related to job duties, pay, and benefits of directly hired employees necessary for the day and temporary labor service agency to comply with this Section. The failure by a third party client to provide any of the information required under this Section shall constitute a notice violation by the third party client under Section 95. For purposes of this Section, the day and temporary labor service agency shall be considered a person aggrieved as described in Section 95. For the purposes of this Section, the calculation of the 90 calendar days may not begin until April 1, 2024.
(Source: P.A. 103-437, eff. 8-4-23.)

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.".

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 Cunningham, **House Bill No. 3641** 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	Feigenholtz	Loughran Cappel	Syverson
Aquino	Fine	Martwick	Toro
Belt	Fowler	McClure	Tracy
Bennett	Glowiak Hilton	Morrison	Turner, D.
Bryant	Halpin	Murphy	Turner, S.
Castro	Harris, N.	Peters	Ventura
Cervantes	Harriss, E.	Plummer	Villa
Chesney	Hastings	Porfirio	Villanueva
Collins	Holmes	Preston	Villivalam
Cunningham	Hunter	Rezin	Wilcox
Curran	Johnson	Rose	Mr. President
DeWitte	Joyce	Simmons	
Edly-Allen	Koehler	Sims	
Ellman	Lewis	Stadelman	
Faraci	Lightford	Stoller	

This bill, having received the vote of three-fifths 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.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL ON SECRETARY'S DESK

On motion of Senator Ventura, **Senate Bill No. 1769**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Ventura moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 37; NAYS 18.

The following voted in the affirmative:

Aquino	Fine	Loughran Cappel	Toro
Belt	Glowiak Hilton	Martwick	Turner, D.
Castro	Halpin	Morrison	Ventura
Cervantes	Harris, N.	Murphy	Villa
Collins	Hastings	Peters	Villanueva
Cunningham	Holmes	Porfirio	Villivalam
Edly-Allen	Hunter	Preston	Mr. President
Ellman	Johnson	Simmons	
Faraci	Koehler	Sims	
Feigenholtz	Lightford	Stadelman	

The following voted in the negative:

Anderson	DeWitte	McClure	Tracy
Bennett	Fowler	Plummer	Turner, S.
Bryant	Harriss, E.	Rose	Wilcox
Chesney	Joyce	Stoller	
Curran	Lewis	Syverson	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1769**.

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Joyce, **House Bill No. 1440** was recalled from the order of third reading to the order of second reading.

Senator Joyce offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 1440

AMENDMENT NO. 2 . Amend House Bill 1440, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-4.5-110 as follows:

(730 ILCS 5/5-4.5-110)

(Section scheduled to be repealed on January 1, 2024)

Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

(a) DEFINITIONS. For the purposes of this Section:

"Firearm" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

"Qualifying predicate offense" means the following offenses under the Criminal Code of 2012:

(A) aggravated unlawful use of a weapon under Section 24-1.6 or similar offense under the Criminal Code of 1961, when the weapon is a firearm;

(B) unlawful use or possession of a weapon by a felon under Section 24-1.1 or similar offense under the Criminal Code of 1961, when the weapon is a firearm;

(C) first degree murder under Section 9-1 or similar offense under the Criminal Code of 1961;

(D) attempted first degree murder with a firearm or similar offense under the Criminal Code of 1961;

(E) aggravated kidnapping with a firearm under paragraph (6) or (7) of subsection (a) of Section 10-2 or similar offense under the Criminal Code of 1961;

(F) aggravated battery with a firearm under subsection (e) of Section 12-3.05 or similar offense under the Criminal Code of 1961;

(G) aggravated criminal sexual assault under Section 11-1.30 or similar offense under the Criminal Code of 1961;

(H) predatory criminal sexual assault of a child under Section 11-1.40 or similar offense under the Criminal Code of 1961;

(I) armed robbery under Section 18-2 or similar offense under the Criminal Code of 1961;

(J) vehicular hijacking under Section 18-3 or similar offense under the Criminal Code of 1961;

(K) aggravated vehicular hijacking under Section 18-4 or similar offense under the Criminal Code of 1961;

(L) home invasion with a firearm under paragraph (3), (4), or (5) of subsection (a) of Section 19-6 or similar offense under the Criminal Code of 1961;

(M) aggravated discharge of a firearm under Section 24-1.2 or similar offense under the Criminal Code of 1961;

(N) aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm under Section 24-1.2-5 or similar offense under the Criminal Code of 1961;

(0) unlawful use of firearm projectiles under Section 24-2.1 or similar offense under the Criminal Code of 1961;

(P) manufacture, sale, or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells under Section 24-2.2 or similar offense under the Criminal Code of 1961;

(Q) unlawful sale or delivery of firearms under Section 24-3 or similar offense under the Criminal Code of 1961;

(R) unlawful discharge of firearm projectiles under Section 24-3.2 or similar offense under the Criminal Code of 1961;

(S) unlawful sale or delivery of firearms on school premises of any school under Section 24-3.3 or similar offense under the Criminal Code of 1961;

(T) unlawful purchase of a firearm under Section 24-3.5 or similar offense under the Criminal Code of 1961;

(U) use of a stolen firearm in the commission of an offense under Section 24-3.7 or similar offense under the Criminal Code of 1961;

(V) possession of a stolen firearm under Section 24-3.8 or similar offense under the Criminal Code of 1961;

(W) aggravated possession of a stolen firearm under Section 24-3.9 or similar offense under the Criminal Code of 1961;

(X) gunrunning under Section 24-3A or similar offense under the Criminal Code of 1961;

(Y) defacing identification marks of firearms under Section 24-5 or similar offense under the Criminal Code of 1961; and

(Z) armed violence under Section 33A-2 or similar offense under the Criminal Code of 1961.

(b) APPLICABILITY. For an offense committed on or after January 1, 2018 (the effective date of Public Act 100-3) and before January 1, 2025 ~~2024~~, when a person is convicted of unlawful use or possession of a weapon by a felon, when the weapon is a firearm, or aggravated unlawful use of a weapon, when the weapon is a firearm, after being previously convicted of a qualifying predicate offense the person shall be subject to the sentencing guidelines under this Section.

(c) SENTENCING GUIDELINES.

(1) When a person is convicted of unlawful use or possession of a weapon by a felon, when the weapon is a firearm, and that person has been previously convicted of a qualifying predicate offense, the person shall be sentenced to a term of imprisonment within the sentencing range of not less than 7 years and not more than 14 years, unless the court finds that a departure from the sentencing guidelines under this paragraph is warranted under subsection (d) of this Section.

(2) When a person is convicted of aggravated unlawful use of a weapon, when the weapon is a firearm, and that person has been previously convicted of a qualifying predicate offense, the person shall be sentenced to a term of imprisonment within the sentencing range of not less than 6 years and not more than 7 years, unless the court finds that a departure from the sentencing guidelines under this paragraph is warranted under subsection (d) of this Section.

(3) The sentencing guidelines in paragraphs (1) and (2) of this subsection (c) apply only to offenses committed on and after January 1, 2018 (the effective date of Public Act 100-3) and before January 1, 2025 ~~2024~~.

(d) DEPARTURE FROM SENTENCING GUIDELINES.

(1) At the sentencing hearing conducted under Section 5-4-1 of this Code, the court may depart from the sentencing guidelines provided in subsection (c) of this Section and impose a sentence otherwise authorized by law for the offense if the court, after considering any factor under paragraph (2) of this subsection (d) relevant to the nature and circumstances of the crime and to the history and character of the defendant, finds on the record substantial and compelling justification that the sentence within the sentencing guidelines would be unduly harsh and that a sentence otherwise authorized by law would be consistent with public safety and does not deprecate the seriousness of the offense.

(2) In deciding whether to depart from the sentencing guidelines under this paragraph, the court shall consider:

(A) the age, immaturity, or limited mental capacity of the defendant at the time of commission of the qualifying predicate or current offense, including whether the defendant was

suffering from a mental or physical condition insufficient to constitute a defense but significantly reduced the defendant's culpability;

(B) the nature and circumstances of the qualifying predicate offense;

(C) the time elapsed since the qualifying predicate offense;

(D) the nature and circumstances of the current offense;

(E) the defendant's prior criminal history;

(F) whether the defendant committed the qualifying predicate or current offense under specific and credible duress, coercion, threat, or compulsion;

(G) whether the defendant aided in the apprehension of another felon or testified truthfully on behalf of another prosecution of a felony; and

(H) whether departure is in the interest of the person's rehabilitation, including employment or educational or vocational training, after taking into account any past rehabilitation efforts or dispositions of probation or supervision, and the defendant's cooperation or response to rehabilitation.

(3) When departing from the sentencing guidelines under this Section, the court shall specify on the record, the particular evidence, information, factor or factors, or other reasons which led to the departure from the sentencing guidelines. When departing from the sentencing range in accordance with this subsection (d), the court shall indicate on the sentencing order which departure factor or factors outlined in paragraph (2) of this subsection (d) led to the sentence imposed. The sentencing order shall be filed with the clerk of the court and shall be a public record.

(e) This Section is repealed on January 1, 2025 ~~2024~~.

(Source: P.A. 102-1109, eff. 12-21-22.)

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 BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Joyce, **House Bill No. 1440** 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:

Anderson	Fine	Lewis	Rose
Belt	Fowler	Lightford	Stadelman
Bennett	Glowiak Hilton	Loughran Cappel	Stoller
Bryant	Halpin	Martwick	Syverson
Castro	Harris, N.	McClure	Tracy
Chesney	Harriss, E.	Morrison	Turner, D.
Cunningham	Hastings	Murphy	Turner, S.
Curran	Holmes	Plummer	Wilcox
DeWitte	Hunter	Porfirio	Mr. President
Faraci	Joyce	Preston	
Feigenholtz	Koehler	Rezin	

The following voted in the negative:

Aquino	Johnson	Ventura

Cervantes	Peters	Villa
Collins	Simmons	Villanueva
Edly-Allen	Toro	Villivalam

This bill, having received the vote of three-fifths 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 Rezin, **House Bill No. 2473** was recalled from the order of third reading to the order of second reading.

Senator Rezin offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 2473

AMENDMENT NO. 3 . Amend House Bill 2473, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Nuclear Safety Law of 2004 is amended by changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 40.5, 50, 55, 65, 70, 75, and 85 and by adding Sections 8 and 90 as follows:

(20 ILCS 3310/5)

Sec. 5. Cross references. The ~~Illinois Emergency Management~~ Agency shall exercise, administer, and enforce all rights, powers, and duties vested in Department of Nuclear Safety by the following named Acts or Sections of those Acts:

(1) The Radiation Protection Act of 1990.
(2) The Radioactive Waste Storage Act.
(3) (Blank).
(4) The Laser System Act of 1997.
(5) The Illinois Nuclear Safety Preparedness Act.
(6) The Radioactive Waste Compact Enforcement Act.
(7) Illinois Low-Level Radioactive Waste Management Act.
(8) Illinois Nuclear Facility Safety Act.
(9) Radioactive Waste Tracking and Permitting Act.
(10) Radon Industry Licensing Act.
(11) Uranium and Thorium Mill Tailings Control Act.

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

(20 ILCS 3310/8 new)

Sec. 8. Definitions. In this Act:

"IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

"Director" means the Director of IEMA-OHS.

"Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

"Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

"Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

"Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

(20 ILCS 3310/10)

Sec. 10. Nuclear and radioactive materials disposal. The ~~Illinois Emergency Management~~ Agency shall formulate a comprehensive plan regarding disposal of nuclear and radioactive materials in this State.

The ~~Illinois Emergency Management~~ Agency shall establish minimum standards for disposal sites, shall evaluate and publicize potential effects on the public health and safety, and shall report to the Governor and General Assembly all violations of the adopted standards. In carrying out this function, the ~~Illinois Emergency Management~~ Agency shall work in cooperation with the Radiation Protection Advisory Council.
(Source: P.A. 93-1029, eff. 8-25-04.)

(20 ILCS 3310/15)

Sec. 15. Radiation sources; radioactive waste disposal. The ~~Illinois Emergency Management~~ Agency, instead of the Department of Nuclear Safety, shall register, license, inspect, and control radiation sources, shall purchase, lease, accept, or acquire lands, buildings, and grounds where radioactive wastes can be disposed, and shall supervise and regulate the operation of the disposal sites.
(Source: P.A. 93-1029, eff. 8-25-04.)

(20 ILCS 3310/20)

Sec. 20. Nuclear waste sites.

(a) The ~~Illinois Emergency Management~~ Agency shall conduct a survey and prepare and publish a list of sites in the State where nuclear waste has been deposited, treated, or stored.

(b) The ~~Illinois Emergency Management~~ Agency shall monitor nuclear waste processing, use, handling, storage, and disposal practices in the State, and shall determine existing and expected rates of production of nuclear wastes.

(c) The ~~Illinois Emergency Management~~ Agency shall compile and make available to the public an annual report identifying the type and quantities of nuclear waste generated, stored, treated, or disposed of within this State and containing the other information required to be collected under this Section.
(Source: P.A. 93-1029, eff. 8-25-04.)

(20 ILCS 3310/25)

Sec. 25. Boiler and pressure vessel safety. The ~~Illinois Emergency Management~~ Agency shall exercise, administer, and enforce all of the following rights, powers, and duties:

(1) Rights, powers, and duties vested in the Department of Nuclear Safety by the Boiler and Pressure Vessel Safety Act prior to the abolishment of the Department of Nuclear Safety, to the extent the rights, powers, and duties relate to nuclear steam-generating facilities.

(2) Rights, powers, and duties relating to nuclear steam-generating facilities vested in the Department of Nuclear Safety by the Boiler and Pressure Vessel Safety Act prior to the abolishment of the Department of Nuclear Safety, which include but are not limited to the formulation of definitions, rules, and regulations for the safe and proper construction, installation, repair, use, and operation of nuclear steam-generating facilities, the adoption of rules for already installed nuclear steam-generating facilities, the adoption of rules for accidents in nuclear steam-generating facilities, the examination for or suspension of inspectors' licenses of the facilities, and the hearing of appeals from decisions relating to the facilities.

(3) Rights, powers, and duties relating to nuclear steam-generating facilities, vested in the State Fire Marshal, the Chief Inspector, or the Department of Nuclear Safety prior to its abolishment, by the Boiler and Pressure Vessel Safety Act, which include but are not limited to the employment of inspectors of nuclear steam-generating facilities, issuance or suspension of their commissions, prosecution of the Act or rules promulgated thereunder for violations by nuclear steam-generating facilities, maintenance of inspection records of all the facilities, publication of rules relating to the facilities, having free access to the facilities, issuance of inspection certificates of the facilities, and the furnishing of bonds conditioned upon the faithful performance of their duties. The Director ~~of the Illinois Emergency Management Agency~~ may designate a Chief Inspector, or other inspectors, as he or she deems necessary to perform the functions transferred by this Section.

The transfer of rights, powers, and duties specified in paragraphs (1), (2), and (3) is limited to the program transferred by this Act and shall not be deemed to abolish or diminish the exercise of those same rights, powers, and duties by the Office of the State Fire Marshal, the Board of Boiler and Pressure Vessel Rules, the State Fire Marshal, or the Chief Inspector with respect to programs retained by the Office of the State Fire Marshal.
(Source: P.A. 95-777, eff. 8-4-08.)

(20 ILCS 3310/30)

Sec. 30. Powers vested in Environmental Protection Agency.

(a) The ~~Illinois Emergency Management~~ Agency shall exercise, administer, and enforce all rights, powers, and duties vested in the Environmental Protection Agency by paragraphs a, b, c, d, e, f, g, h, i, j, k,

l, m, n, o, p, q, and r of Section 4 and by Sections 30 through 45 of the Environmental Protection Act, to the extent that these powers relate to standards of the Pollution Control Board adopted under Section 35 of this Act. The transfer of rights, powers, and duties specified in this Section is limited to the programs transferred by Public Act 81-1516 and this Act and shall not be deemed to abolish or diminish the exercise of those same rights, powers, and duties by the Environmental Protection Agency with respect to programs retained by the Environmental Protection Agency.

(b) Notwithstanding provisions in Sections 4 and 17.7 of the Environmental Protection Act, the Environmental Protection Agency is not required to perform analytical services for community water supplies to determine compliance with contaminant levels for radionuclides as specified in State or federal drinking water regulations.

(Source: P.A. 99-83, eff. 7-20-15.)

(20 ILCS 3310/35)

Sec. 35. Pollution Control Board regulations concerning nuclear plants. The ~~Illinois Emergency Management~~ Agency shall enforce the regulations promulgated by the Pollution Control Board under Section 25b of the Environmental Protection Act. Under these regulations the ~~Illinois Emergency Management~~ Agency shall require that a person, corporation, or public authority intending to construct a nuclear steam-generating facility or a nuclear fuel reprocessing plant file with the ~~Illinois Emergency Management~~ Agency an environmental feasibility report that incorporates the data provided in the preliminary safety analysis required to be filed with the United States Nuclear Regulatory Commission.

(Source: P.A. 93-1029, eff. 8-25-04.)

(20 ILCS 3310/40)

Sec. 40. Regulation of nuclear safety.

(a) The ~~Illinois Emergency Management~~ Agency shall have primary responsibility for the coordination and oversight of all State governmental functions concerning the regulation of nuclear power, including low level waste management, environmental monitoring, environmental radiochemical analysis, and transportation of nuclear waste. Functions performed by the Illinois State Police and the Department of Transportation in the area of nuclear safety, on the effective date of this Act, may continue to be performed by these agencies but under the direction of the ~~Illinois Emergency Management~~ Agency. All other governmental functions regulating nuclear safety shall be coordinated by the ~~Illinois Emergency Management~~ Agency.

(b) IEMA-OHS, in consultation with the Illinois Environmental Protection Agency, shall adopt rules for the regulation of small modular reactors. The rules shall be adopted by January 1, 2026 and shall include criteria for decommissioning, environmental monitoring, and emergency preparedness. The rules shall include a fee structure to cover IEMA-OHS costs for regulation and inspection. The fee structure may include fees to cover costs of local government emergency response preparedness through grants administered by IEMA-OHS. None of the rules developed by the Illinois Emergency Management Agency and Office of Homeland Security or any other State agency, board, or commission pursuant to this Act shall be construed to supersede the authority of the U.S. Nuclear Regulatory Commission. The changes made by this amendatory Act of the 103rd General Assembly shall not apply to the uprate, renewal, or subsequent renewal of any license for an existing nuclear power reactor that began operation prior to the effective date of this amendatory Act of the 103rd General Assembly. Any fees collected under this subsection shall be deposited into the Nuclear Safety Emergency Preparedness Fund created pursuant to Section 7 of the Illinois Nuclear Safety Preparedness Act.

(c) Consistent with federal law and policy statements of and cooperative agreements with the U.S. Nuclear Regulatory Commission with respect to State participation in health and safety regulation of nuclear facilities, and in recognition of the role provided for the states by such laws, policy statements, and cooperative agreements, IEMA-OHS may develop and implement a program for inspections of small modular reactors, both operational and non-operational. The owner of each small modular reactor shall allow access to IEMA-OHS inspectors of all premises and records of the small modular reactor. The IEMA-OHS inspectors shall operate in accordance with any cooperative agreements executed between IEMA-OHS and the U.S. Nuclear Regulatory Commission. The IEMA-OHS inspectors shall operate in accordance with the security plan for the small modular reactor. IEMA-OHS programs and activities under this Section shall not be inconsistent with federal law.

(d) IEMA-OHS shall be authorized to conduct activities specified in Section 8 of the Illinois Nuclear Safety Preparedness Act in regard to small modular reactors.

(Source: P.A. 102-133, eff. 7-23-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(20 ILCS 3310/40.5)

Sec. 40.5. Radiochemistry laboratory program. The ~~Illinois Emergency Management~~ Agency shall implement a comprehensive radiochemistry laboratory program. The Director ~~of the Illinois Emergency Management Agency~~, in accordance with the Personnel Code, shall employ and direct such personnel, and shall provide for such laboratory and other facilities, as may be necessary to carry out the purposes of this Act and the Acts referenced in Section 5.

(Source: P.A. 102-133, eff. 7-23-21.)

(20 ILCS 3310/50)

Sec. 50. Personnel transferred. Personnel previously assigned to the programs transferred from the Department of Nuclear Safety are hereby transferred to the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security). The rights of the employees, the State, and executive agencies under the Personnel Code, any collective bargaining agreement, or any pension, retirement, or annuity plan shall not be affected by this Act.

(Source: P.A. 93-1029, eff. 8-25-04.)

(20 ILCS 3310/55)

Sec. 55. Records and property transferred. All books, records, papers, documents, property (real or personal), unexpended appropriations, and pending business in any way pertaining to the rights, powers, and duties transferred by this Act shall be delivered and transferred to the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security).

(Source: P.A. 93-1029, eff. 8-25-04.)

(20 ILCS 3310/65)

Sec. 65. Nuclear accident plan. The ~~Illinois Emergency Management~~ Agency shall have primary responsibility to formulate a comprehensive emergency preparedness and response plan for any nuclear accident. The ~~Illinois Emergency Management~~ Agency shall also train and maintain an emergency response team.

(Source: P.A. 93-1029, eff. 8-25-04.)

(20 ILCS 3310/70)

Sec. 70. Nuclear and radioactive materials transportation plan. The ~~Illinois Emergency Management~~ Agency shall formulate a comprehensive plan regarding the transportation of nuclear and radioactive materials in Illinois. The ~~Illinois Emergency Management~~ Agency shall have primary responsibility for all State governmental regulation of the transportation of nuclear and radioactive materials, insofar as the regulation pertains to the public health and safety. This responsibility shall include but not be limited to the authority to oversee and coordinate regulatory functions performed by the Department of Transportation, the Illinois State Police, and the Illinois Commerce Commission.

(Source: P.A. 102-538, eff. 8-20-21.)

(20 ILCS 3310/75)

Sec. 75. State nuclear power policy. Subject to appropriation, the ~~Illinois Emergency Management~~ Agency, in cooperation with the Department of Natural Resources, shall study (i) the impact and cost of nuclear power and compare these to the impact and cost of alternative sources of energy, (ii) the potential effects on the public health and safety of all radioactive emissions from nuclear power plants, and (iii) all other factors that bear on the use of nuclear power or on nuclear safety. The ~~Illinois Emergency Management~~ Agency shall formulate a general nuclear policy for the State based on the findings of the study. The policy shall include but not be limited to the feasibility of continued use of nuclear power, effects of the use of nuclear power on the public health and safety, minimum acceptable standards for the location of any future nuclear power plants, and rules and regulations for the reporting by public utilities of radioactive emissions from power plants. The ~~Illinois Emergency Management~~ Agency shall establish a reliable system for communication between the public and the ~~Illinois Emergency Management~~ Agency and for dissemination of information by the ~~Illinois Emergency Management~~ Agency. The ~~Illinois Emergency Management~~ Agency shall publicize the findings of all studies and make the publications reasonably available to the public.

(Source: P.A. 101-149, eff. 7-26-19.)

(20 ILCS 3310/85)

Sec. 85. Saving clause.

(a) The rights, powers and duties transferred to the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security) by this Act shall be vested in and shall be exercised by the Illinois Emergency Management Agency (now the Illinois Emergency

Management Agency and Office of Homeland Security). Each act done in exercise of such rights, powers, and duties shall have the same legal effect as if done by the Department of Nuclear Safety, its divisions, officers, or employees.

(b) Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Department of Nuclear Safety, its divisions, officers or employees.

(c) Every officer of the Illinois Emergency Management Agency and Office of Homeland Security shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Act.

(d) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the agencies and officers transferred by this Act, the same shall be made, given, furnished, or served in the same manner to or upon the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security).

(e) This Act shall not affect any act done, ratified, or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the Department of Nuclear Safety before this Act takes effect, but such actions or proceedings may be prosecuted and continued by the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security).

(f) Any rules of the Department of Nuclear Safety that are in full force on the effective date of this Act and that have been duly adopted by the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security) shall become the rules of the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security). This Act shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Department of Nuclear Safety that are pending in the rulemaking process on the effective date of this Act, shall be deemed to have been filed by the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security). As soon as practicable hereafter, the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security) shall revise and clarify the rules transferred to it under this Act to reflect the reorganization of rights, powers, and duties effected by this Act using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Emergency Management Agency and Office of Homeland Security may propose and adopt under the Illinois Administrative Procedure Act such other rules of the reorganized agencies that will now be administered by the Illinois Emergency Management Agency and Office of Homeland Security.

(g) If any provision of this Act or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application. To achieve this purpose, the provisions of this Act are declared to be severable.

(Source: P.A. 93-1029, eff. 8-25-04.)

(20 ILCS 3310/90 new)

Sec. 90. Small modular reactor study.

(a) The Governor may commission a study on the potential for development of small modular reactors in this State. No later than January 1, 2025, subject to appropriation, the Governor is authorized to commission a study, led by the Illinois Emergency Management Agency and Office of Homeland Security, to research the State's role in guiding the development of small modular reactors.

IEMA-OHS shall publish a draft of the study for a 30-day public comment period. After the conclusion of the public comment period, IEMA-OHS shall finalize the study, post a publicly available copy on its website, and submit a copy to the General Assembly.

(b) The study shall include, at a minimum, the following:

(1) a review of the current state of small modular reactor technologies and the characteristics of nuclear reactor technologies currently under research and development and expected to enter the market by 2040;

(2) a review of the following federal regulatory and permitting issues concerning small modular reactors:

(A) current and proposed permitting and approval processes for small modular reactors conducted by federal agencies, including, but not limited to, the Nuclear Regulatory

Commission, the Federal Emergency Management Agency, and the United States Environmental Protection Agency;

(B) the projected timeline of such federal permitting and approval processes;

(C) federal regulation of small modular reactors over the life of those facilities; and

(D) federal regulation of the storage and disposal of wastes generated by those facilities;

(3) a review of the following State and local regulatory and permitting issues concerning small modular reactors and other sources of electricity generation:

(A) current and proposed State and local permitting and approval processes for small modular reactors and other sources of electricity generation, as applicable;

(B) State and local regulation of small modular reactors and other sources of electricity generation over the life of those facilities; and

(C) State and local regulation of the storage and disposal of wastes generated by those facilities;

(4) a review of the following small modular reactor regulatory and permitting issues in other state and local jurisdictions;

(A) current and proposed State and local permitting and approval processes for small modular reactors in other state and local jurisdictions;

(B) regulation by other state and local jurisdictions of small modular reactors over the life of those facilities; and

(C) regulation by other state and local jurisdictions of the storage and disposal of wastes generated by those facilities;

(5) a risk analysis of the potential impacts to the health and well-being of the people of the State, including benefits from the reduction in carbon emissions, associated with the development of small modular reactors;

(6) an analysis on the impact the deployment of small modular reactors will have on resource adequacy in Illinois regional power grids and on the costs to electricity consumers; and

(7) an analysis of potential water sources for use by small modular reactors and whether such usage would jeopardize public consumption, future supply, or natural conditions of such water source.

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

Section 10. The Radioactive Waste Compact Enforcement Act is amended by changing Sections 15 and 25 as follows:

(45 ILCS 141/15)

Sec. 15. Definitions. In this Act:

"IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

"Commission" means the Central Midwest Interstate Low-Level Radioactive Waste Commission.

"Compact" means the Central Midwest Interstate Low-Level Radioactive Waste Compact.

"Director" means the Director of IEMA-OHS.

"Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

"Facility" means a parcel of land or site, together with the structures, equipment, and improvements on or appurtenant to the land or site, that is used or is being developed for the treatment, storage or disposal of low-level radioactive waste.

"Low-level radioactive waste" or "waste" means radioactive waste not classified as (1) high-level radioactive waste, (2) transuranic waste, (3) spent nuclear fuel, or (4) byproduct material as defined in Sections 11e(2), 11e(3), and 11e(4) of the Atomic Energy Act (42 U.S.C. 2014). This definition shall apply notwithstanding any declaration by the federal government, a state, or any regulatory agency that any radioactive material is exempt from any regulatory control.

"Management plan" means the plan adopted by the Commission for the storage, transportation, treatment and disposal of waste within the region.

"Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

"Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

"Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

"Person" means any individual, corporation, business enterprise or other legal entity, public or private, and any legal successor, representative, agent or agency of that individual, corporation, business enterprise, or legal entity.

"Region" means the geographical area of the State of Illinois and the Commonwealth of Kentucky.

"Regional Facility" means any facility as defined in this Act that is (1) located in Illinois, and (2) established by Illinois pursuant to designation of Illinois as a host state by the Commission.

"Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

"Storage" means the temporary holding of radioactive material for treatment or disposal.

"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical, or biological characteristics of the radioactive material in order to render the radioactive material safe for transport or management, amenable to recovery, convertible to another usable material, or reduced in volume.

(Source: P.A. 103-306, eff. 7-28-23.)

(45 ILCS 141/25)

Sec. 25. Enforcement.

(a) The ~~Illinois Emergency Management Agency (~~Agency~~)~~ shall adopt regulations to administer and enforce the provisions of this Act. The regulations shall be adopted with the consultation and cooperation of the Commission.

Regulations adopted by the Agency under this Act shall prohibit the shipment into or acceptance of waste in Illinois if the shipment or acceptance would result in a violation of any provision of the Compact or this Act.

(b) The Agency may, by regulation, impose conditions on the shipment into or acceptance of waste in Illinois that the Agency determines to be reasonable and necessary to enforce the provisions of this Act. The conditions may include, but are not limited to (i) requiring prior notification of any proposed shipment or receipt of waste; (ii) requiring the shipper or recipient to identify the location to which the waste will be sent for disposal following treatment or storage in Illinois; (iii) limiting the time that waste from outside Illinois may be held in Illinois; (iv) requiring the shipper or recipient to post bond or by other mechanism to assure that radioactive material will not be treated, stored, or disposed of in Illinois in violation of any provision of this Act; (v) requiring that the shipper consent to service of process before shipment of waste into Illinois.

(c) The Agency shall, by regulation, impose a system of civil penalties in accordance with the provisions of this Act. Amounts recovered under these regulations shall be deposited in the Low-Level Radioactive Waste Facility Development and Operation Fund.

(d) The regulations adopted by the Agency may provide for the granting of exemptions, but only upon a showing by the applicant that the granting of an exemption would be consistent with the Compact.

(Source: P.A. 95-777, eff. 8-4-08.)

Section 15. The Public Utilities Act is amended by changing Section 8-406 as follows:

(220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

Sec. 8-406. Certificate of public convenience and necessity.

(a) No public utility not owning any city or village franchise nor engaged in performing any public service or in furnishing any product or commodity within this State as of July 1, 1921 and not possessing a certificate of public convenience and necessity from the Illinois Commerce Commission, the State Public Utilities Commission, or the Public Utilities Commission, at the time Public Act 84-617 goes into effect (January 1, 1986), shall transact any business in this State until it shall have obtained a certificate from the Commission that public convenience and necessity require the transaction of such business. A certificate of public convenience and necessity requiring the transaction of public utility business in any area of this State shall include authorization to the public utility receiving the certificate of public convenience and necessity to construct such plant, equipment, property, or facility as is provided for under the terms and conditions of its tariff and as is necessary to provide utility service and carry out the transaction of public utility business by the public utility in the designated area.

(b) No public utility shall begin the construction of any new plant, equipment, property, or facility which is not in substitution of any existing plant, equipment, property, or facility, or any extension or

alteration thereof or in addition thereto, unless and until it shall have obtained from the Commission a certificate that public convenience and necessity require such construction. Whenever after a hearing the Commission determines that any new construction or the transaction of any business by a public utility will promote the public convenience and is necessary thereto, it shall have the power to issue certificates of public convenience and necessity. The Commission shall determine that proposed construction will promote the public convenience and necessity only if the utility demonstrates: (1) that the proposed construction is necessary to provide adequate, reliable, and efficient service to its customers and is the least-cost means of satisfying the service needs of its customers or that the proposed construction will promote the development of an effectively competitive electricity market that operates efficiently, is equitable to all customers, and is the least cost means of satisfying those objectives; (2) that the utility is capable of efficiently managing and supervising the construction process and has taken sufficient action to ensure adequate and efficient construction and supervision thereof; and (3) that the utility is capable of financing the proposed construction without significant adverse financial consequences for the utility or its customers.

(b-5) As used in this subsection (b-5):

"Qualifying direct current applicant" means an entity that seeks to provide direct current bulk transmission service for the purpose of transporting electric energy in interstate commerce.

"Qualifying direct current project" means a high voltage direct current electric service line that crosses at least one Illinois border, the Illinois portion of which is physically located within the region of the Midcontinent Independent System Operator, Inc., or its successor organization, and runs through the counties of Pike, Scott, Greene, Macoupin, Montgomery, Christian, Shelby, Cumberland, and Clark, is capable of transmitting electricity at voltages of 345 kilovolts or above, and may also include associated interconnected alternating current interconnection facilities in this State that are part of the proposed project and reasonably necessary to connect the project with other portions of the grid.

Notwithstanding any other provision of this Act, a qualifying direct current applicant that does not own, control, operate, or manage, within this State, any plant, equipment, or property used or to be used for the transmission of electricity at the time of its application or of the Commission's order may file an application on or before December 31, 2023 with the Commission pursuant to this Section or Section 8-406.1 for, and the Commission may grant, a certificate of public convenience and necessity to construct, operate, and maintain a qualifying direct current project. The qualifying direct current applicant may also include in the application requests for authority under Section 8-503. The Commission shall grant the application for a certificate of public convenience and necessity and requests for authority under Section 8-503 if it finds that the qualifying direct current applicant and the proposed qualifying direct current project satisfy the requirements of this subsection and otherwise satisfy the criteria of this Section or Section 8-406.1 and the criteria of Section 8-503, as applicable to the application and to the extent such criteria are not superseded by the provisions of this subsection. The Commission's order on the application for the certificate of public convenience and necessity shall also include the Commission's findings and determinations on the request or requests for authority pursuant to Section 8-503. Prior to filing its application under either this Section or Section 8-406.1, the qualifying direct current applicant shall conduct 3 public meetings in accordance with subsection (h) of this Section. If the qualifying direct current applicant demonstrates in its application that the proposed qualifying direct current project is designed to deliver electricity to a point or points on the electric transmission grid in either or both the PJM Interconnection, LLC or the Midcontinent Independent System Operator, Inc., or their respective successor organizations, the proposed qualifying direct current project shall be deemed to be, and the Commission shall find it to be, for public use. If the qualifying direct current applicant further demonstrates in its application that the proposed transmission project has a capacity of 1,000 megawatts or larger and a voltage level of 345 kilovolts or greater, the proposed transmission project shall be deemed to satisfy, and the Commission shall find that it satisfies, the criteria stated in item (1) of subsection (b) of this Section or in paragraph (1) of subsection (f) of Section 8-406.1, as applicable to the application, without the taking of additional evidence on these criteria. Prior to the transfer of functional control of any transmission assets to a regional transmission organization, a qualifying direct current applicant shall request Commission approval to join a regional transmission organization in an application filed pursuant to this subsection (b-5) or separately pursuant to Section 7-102 of this Act. The Commission may grant permission to a qualifying direct current applicant to join a regional transmission organization if it finds that the membership, and associated transfer of functional control of transmission assets, benefits Illinois customers in light of the attendant costs and is otherwise in the public interest. Nothing in this subsection (b-5) requires a qualifying direct current applicant to join a regional transmission organization. Nothing in this subsection (b-5) requires the owner or

operator of a high voltage direct current transmission line that is not a qualifying direct current project to obtain a certificate of public convenience and necessity to the extent it is not otherwise required by this Section 8-406 or any other provision of this Act.

(c) As used in this subsection (c):

"Decommissioning" has the meaning given to that term in subsection (a) of Section 8-508.1.

"Nuclear power reactor" has the meaning given to that term in Section 8 of the Nuclear Safety Law of 2004.

After the effective date of this amendatory Act of the 103rd General Assembly ~~September 11, 1987 (the effective date of Public Act 85-377)~~, no construction shall commence on any new nuclear power reactor with a nameplate capacity of more than 300 megawatts of electricity ~~plant~~ to be located within this State, and no certificate of public convenience and necessity or other authorization shall be issued therefor by the Commission, until the Illinois Emergency Management Agency and Office of Homeland Security, in consultation with ~~Director of~~ the Illinois Environmental Protection Agency and the Illinois Department of Natural Resources, finds that the United States Government, through its authorized agency, has identified and approved a demonstrable technology or means for the disposal of high level nuclear waste, or until such construction has been specifically approved by a statute enacted by the General Assembly. Beginning January 1, 2026, construction may commence on a new nuclear power reactor with a nameplate capacity of 300 megawatts of electricity or less within this State if the entity constructing the new nuclear power reactor has obtained all permits, licenses, permissions, or approvals governing the construction, operation, and funding of decommissioning of such nuclear power reactors required by: (1) this Act; (2) any rules adopted by the Illinois Emergency Management Agency and Office of Homeland Security under the authority of this Act; (3) any applicable federal statutes, including, but not limited to, the Atomic Energy Act of 1954, the Energy Reorganization Act of 1974, the Low-Level Radioactive Waste Policy Amendments Act of 1985, and the Energy Policy Act of 1992; (4) any regulations promulgated or enforced by the U.S. Nuclear Regulatory Commission, including, but not limited to, those codified at Title X, Parts 20, 30, 40, 50, 70, and 72 of the Code of Federal Regulations, as from time to time amended; and (5) any other federal or State statute, rule, or regulation governing the permitting, licensing, operation, or decommissioning of such nuclear power reactors. None of the rules developed by the Illinois Emergency Management Agency and Office of Homeland Security or any other State agency, board, or commission pursuant to this Act shall be construed to supersede the authority of the U.S. Nuclear Regulatory Commission. The changes made by this amendatory Act of the 103rd General Assembly shall not apply to the uprate, renewal, or subsequent renewal of any license for an existing nuclear power reactor that began operation prior to the effective date of this amendatory Act of the 103rd General Assembly.

None of the changes made in this amendatory Act of the 103rd General Assembly are intended to authorize the construction of nuclear power plants powered by nuclear power reactors that are not either: (1) small modular nuclear reactors; or (2) nuclear power reactors licensed by the U.S. Nuclear Regulatory Commission to operate in this State prior to the effective date of this amendatory Act of the 103rd General Assembly.

~~As used in this Section, "high level nuclear waste" means those aqueous wastes resulting from the operation of the first cycle of the solvent extraction system or equivalent and the concentrated wastes of the subsequent extraction cycles or equivalent in a facility for reprocessing irradiated reactor fuel and shall include spent fuel assemblies prior to fuel reprocessing.~~

(d) In making its determination under subsection (b) of this Section, the Commission shall attach primary weight to the cost or cost savings to the customers of the utility. The Commission may consider any or all factors which will or may affect such cost or cost savings, including the public utility's engineering judgment regarding the materials used for construction.

(e) The Commission may issue a temporary certificate which shall remain in force not to exceed one year in cases of emergency, to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate, and may by regulation exempt from the requirements of this Section temporary acts or operations for which the issuance of a certificate will not be required in the public interest.

A public utility shall not be required to obtain but may apply for and obtain a certificate of public convenience and necessity pursuant to this Section with respect to any matter as to which it has received the authorization or order of the Commission under the Electric Supplier Act, and any such authorization or order granted a public utility by the Commission under that Act shall as between public utilities be deemed

to be, and shall have except as provided in that Act the same force and effect as, a certificate of public convenience and necessity issued pursuant to this Section.

No electric cooperative shall be made or shall become a party to or shall be entitled to be heard or to otherwise appear or participate in any proceeding initiated under this Section for authorization of power plant construction and as to matters as to which a remedy is available under the Electric Supplier Act.

(f) Such certificates may be altered or modified by the Commission, upon its own motion or upon application by the person or corporation affected. Unless exercised within a period of 2 years from the grant thereof, authority conferred by a certificate of convenience and necessity issued by the Commission shall be null and void.

No certificate of public convenience and necessity shall be construed as granting a monopoly or an exclusive privilege, immunity or franchise.

(g) A public utility that undertakes any of the actions described in items (1) through (3) of this subsection (g) or that has obtained approval pursuant to Section 8-406.1 of this Act shall not be required to comply with the requirements of this Section to the extent such requirements otherwise would apply. For purposes of this Section and Section 8-406.1 of this Act, "high voltage electric service line" means an electric line having a design voltage of 100,000 or more. For purposes of this subsection (g), a public utility may do any of the following:

(1) replace or upgrade any existing high voltage electric service line and related facilities, notwithstanding its length;

(2) relocate any existing high voltage electric service line and related facilities, notwithstanding its length, to accommodate construction or expansion of a roadway or other transportation infrastructure; or

(3) construct a high voltage electric service line and related facilities that is constructed solely to serve a single customer's premises or to provide a generator interconnection to the public utility's transmission system and that will pass under or over the premises owned by the customer or generator to be served or under or over premises for which the customer or generator has secured the necessary right of way.

(h) A public utility seeking to construct a high-voltage electric service line and related facilities (Project) must show that the utility has held a minimum of 2 pre-filing public meetings to receive public comment concerning the Project in each county where the Project is to be located, no earlier than 6 months prior to filing an application for a certificate of public convenience and necessity from the Commission. Notice of the public meeting shall be published in a newspaper of general circulation within the affected county once a week for 3 consecutive weeks, beginning no earlier than one month prior to the first public meeting. If the Project traverses 2 contiguous counties and where in one county the transmission line mileage and number of landowners over whose property the proposed route traverses is one-fifth or less of the transmission line mileage and number of such landowners of the other county, then the utility may combine the 2 pre-filing meetings in the county with the greater transmission line mileage and affected landowners. All other requirements regarding pre-filing meetings shall apply in both counties. Notice of the public meeting, including a description of the Project, must be provided in writing to the clerk of each county where the Project is to be located. A representative of the Commission shall be invited to each pre-filing public meeting.

(i) For applications filed after August 18, 2015 (the effective date of Public Act 99-399), the Commission shall, by certified mail, notify each owner of record of land, as identified in the records of the relevant county tax assessor, included in the right-of-way over which the utility seeks in its application to construct a high-voltage electric line of the time and place scheduled for the initial hearing on the public utility's application. The utility shall reimburse the Commission for the cost of the postage and supplies incurred for mailing the notice.

(Source: P.A. 102-609, eff. 8-27-21; 102-662, eff. 9-15-21; 102-813, eff. 5-13-22; 102-931, eff. 5-27-22.)

Section 20. The Environmental Protection Act is amended by changing Sections 25a-1 and 25b as follows:

(415 ILCS 5/25a-1) (from Ch. 111 1/2, par. 1025a-1)

Sec. 25a-1. At least 60 days before beginning the decommissioning of any nuclear power plant located in this State, the owner or operator of the plant shall file, for information purposes only, a copy of the decommissioning plan for the plant with the Agency and a copy with the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

(Source: P.A. 95-777, eff. 8-4-08.)

(415 ILCS 5/25b) (from Ch. 111 1/2, par. 1025b)

Sec. 25b. Any person, corporation or public authority intending to construct a nuclear steam-generating facility or a nuclear fuel reprocessing plant shall file with the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency, an environmental feasibility report which incorporates the data provided in the preliminary safety analysis required to be filed with the United States Nuclear Regulatory Commission. The Board may by rule prescribe the form of such report. In consultation with the Illinois Emergency Management Agency and Office of Homeland Security and the Illinois Environmental Protection Agency, the ~~The~~ Board shall have the power to adopt standards to protect the health, safety and welfare of the citizens of Illinois from the hazards of radiation to the extent that such powers are not preempted under the federal constitution.

(Source: P.A. 95-777, eff. 8-4-08.)

Section 25. The Illinois Nuclear Safety Preparedness Act is amended by adding Section 2.5 and by changing Section 3 as follows:

(420 ILCS 5/2.5 new)

Sec. 2.5. Applicability. This Act does not apply to small modular reactors.

(420 ILCS 5/3) (from Ch. 111 1/2, par. 4303)

Sec. 3. Definitions. Unless the context otherwise clearly requires, as used in this Act:

(1) "Agency" or "IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency ~~of the State of Illinois~~.

(2) "Director" means the Director of the ~~Illinois Emergency Management~~ Agency.

(3) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.

(4) "NRC" means the United States Nuclear Regulatory Commission or any agency which succeeds to its functions in the licensing of nuclear power reactors or facilities for storing spent nuclear fuel.

(5) "High-level radioactive waste" means (1) the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and (2) the highly radioactive material that the NRC has determined to be high-level radioactive waste requiring permanent isolation.

(6) "Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

(7) "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(8) "Transuranic waste" means material contaminated with elements that have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, excluding radioactive wastes shipped to a licensed low-level radioactive waste disposal facility.

(9) "Highway route controlled quantity of radioactive materials" means that quantity of radioactive materials defined as a highway route controlled quantity under rules of the United States Department of Transportation, or any successor agency.

(10) "Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

(11) "Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(12) "Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

(Source: P.A. 93-1029, eff. 8-25-04.)

Section 30. The Illinois Nuclear Facility Safety Act is amended by changing Section 2 and adding Sections 2.5 and 3.5 as follows:

(420 ILCS 10/2) (from Ch. 111 1/2, par. 4352)

Sec. 2. Policy statement. It is declared to be the policy of the State of Illinois to prevent accidents at nuclear facilities in Illinois for the economic well-being of the People of the State of Illinois and for the health and safety of workers at nuclear facilities and private citizens who could be injured as a result of releases of radioactive materials from nuclear facilities. It is the intent of the General Assembly that this Act should be construed consistently with federal law to maximize the role of the State in contributing to safety at nuclear facilities in Illinois. It is the intent of the General Assembly that the ~~Illinois Emergency Management~~ Agency should not take any actions which are preempted by federal law or engage in dual regulation of nuclear facilities, unless dual regulation is allowed by federal law and policies of the Nuclear Regulatory Commission. In implementing its responsibilities under this Act, the Agency shall not take any action which interferes with the safe operation of a nuclear facility.
(Source: P.A. 95-777, eff. 8-4-08.)

(420 ILCS 10/2.5 new)

Sec. 2.5. Applicability. This Act does not apply to small modular reactors.

(420 ILCS 10/3.5 new)

Sec. 3.5. Definitions. In this Act:

"IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

"Director" means the Director of IEMA-OHS.

"Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

"Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

"Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

"Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

Section 35. The Illinois Low-Level Radioactive Waste Management Act is amended by changing Sections 2, 3, and 13 as follows:

(420 ILCS 20/2) (from Ch. 111 1/2, par. 241-2)

Sec. 2. (a) The General Assembly finds:

(1) that low-level radioactive wastes are produced in this State with even greater volumes to be produced in the future;

(2) that such radioactive wastes pose a significant risk to the public health, safety and welfare of the people of Illinois; and

(3) that it is the obligation of the State of Illinois to its citizens to provide for the safe management of the low-level radioactive wastes produced within its borders.

(b) The ~~Illinois Emergency Management~~ Agency has attained federal agreement state status and thereby has assumed regulatory authority over low-level radioactive waste from the United States Nuclear Regulatory Commission under Section 274b of the Atomic Energy Act of 1954 (42 U.S.C. 2014). It is the purpose of this Act to establish a comprehensive program for the storage, treatment, and disposal of low-level radioactive wastes in Illinois. It is the intent of the General Assembly that the program provide for the management of these wastes in the safest manner possible and in a manner that creates the least risk to human health and the environment of Illinois and that the program encourage to the fullest extent possible the use of environmentally sound waste management practices alternative to land disposal including waste recycling, compaction, incineration and other methods to reduce the amount of wastes produced, and to ensure public participation in all phases of the development of this radioactive waste management program.
(Source: P.A. 95-777, eff. 8-4-08.)

(420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

Sec. 3. Definitions.

"Agency" or "IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

"Broker" means any person who takes possession of low-level waste for purposes of consolidation and shipment.

"Compact" means the Central Midwest Interstate Low-Level Radioactive Waste Compact.

"Decommissioning" means the measures taken at the end of a facility's operating life to assure the continued protection of the public from any residual radioactivity or other potential hazards present at a facility.

"Director" means the Director of the ~~Illinois Emergency Management~~ Agency.

"Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

"Facility" means a parcel of land or site, together with structures, equipment and improvements on or appurtenant to the land or site, which is used or is being developed for the treatment, storage or disposal of low-level radioactive waste. "Facility" does not include lands, sites, structures or equipment used by a generator in the generation of low-level radioactive wastes.

"Generator" means any person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, education or other activity.

"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580 or under regulations of the Pollution Control Board.

"High-level radioactive waste" means:

(1) the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from the liquid waste that contains fission products in sufficient concentrations; and

(2) the highly radioactive material that the Nuclear Regulatory Commission has determined, on the effective date of this Amendatory Act of 1988, to be high-level radioactive waste requiring permanent isolation.

"Low-level radioactive waste" or "waste" means radioactive waste not classified as (1) high-level radioactive waste, (2) transuranic waste, (3) spent nuclear fuel, or (4) byproduct material as defined in Sections 11e(2), 11e(3), and 11e(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2014). This definition shall apply notwithstanding any declaration by the federal government, a state, or any regulatory agency that any radioactive material is exempt from any regulatory control.

"Mixed waste" means waste that is both "hazardous waste" and "low-level radioactive waste" as defined in this Act.

"Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

"Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

"Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

"Person" means an individual, corporation, business enterprise or other legal entity either public or private and any legal successor, representative, agent or agency of that individual, corporation, business enterprise, or legal entity.

"Post-closure care" means the continued monitoring of the regional disposal facility after closure for the purposes of detecting a need for maintenance, ensuring environmental safety, and determining compliance with applicable licensure and regulatory requirements, and includes undertaking any remedial actions necessary to protect public health and the environment from radioactive releases from the facility.

"Regional disposal facility" or "disposal facility" means the facility established by the State of Illinois under this Act for disposal away from the point of generation of waste generated in the region of the Compact.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment of low-level radioactive waste.

"Remedial action" means those actions taken in the event of a release or threatened release of low-level radioactive waste into the environment, to prevent or minimize the release of the waste so that it

does not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released low-level radioactive wastes, recycling or reuse, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies and any monitoring reasonably required to assure that these actions protect human health and the environment.

"Scientific Surveys" means, collectively, the Illinois State Geological Survey and the Illinois State Water Survey of the University of Illinois.

"Shallow land burial" means a land disposal facility in which radioactive waste is disposed of in or within the upper 30 meters of the earth's surface. However, this definition shall not include an enclosed, engineered, structurally re-enforced and solidified bunker that extends below the earth's surface.

"Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

"Storage" means the temporary holding of waste for treatment or disposal for a period determined by Agency regulations.

"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, amenable to recovery, convertible to another usable material or reduced in volume.

"Waste management" means the storage, transportation, treatment or disposal of waste.

(Source: P.A. 103-306, eff. 7-28-23.)

(420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

Sec. 13. Waste fees.

(a) The Agency shall collect a fee from each generator of low-level radioactive wastes in this State, except as otherwise provided in this subsection. Except as provided in subdivision (b)(2) and subsections ~~(b),~~ (c)~~,~~ and (d), the amount of the fee shall be $50.00 or the following amount, whichever is greater:

(1) $1 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurred prior to September 7, 1984;

(2) $2 per cubic foot of waste stored for shipment if storage of the waste occurs on or after September 7, 1984, but prior to October 1, 1985;

(3) $3 per cubic foot of waste stored for shipment if storage of the waste occurs on or after October 1, 1985;

(4) $2 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after September 7, 1984 but prior to October 1, 1985, provided that no fee has been collected previously for storage of the waste;

(5) $3 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after October 1, 1985, provided that no fees have been collected previously for storage of the waste.

Such fees shall be collected annually or as determined by the Agency and shall be deposited in the low-level radioactive waste funds as provided in Section 14 of this Act. Notwithstanding any other provision of this Act, no fee under this Section shall be collected from a generator for waste generated incident to manufacturing before December 31, 1980, and shipped for disposal outside of this State before December 31, 1992, as part of a site reclamation leading to license termination.

Units of local government are exempt from the fee provisions of this subsection.

(b)(1) Small modular reactors shall pay low-level radioactive waste fees in accordance with subsection (a).

(2) Each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall not be subject to the fee required by subsection (a) with respect to (1) waste stored for shipment if storage of the waste occurs on or after January 1, 1986; and (2) waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after January 1, 1986. In lieu of the fee, each reactor shall be required to pay an annual fee as provided in this subsection for the treatment, storage and disposal of low-level radioactive waste. Beginning with State fiscal year 1986 and through State fiscal year 1997, fees shall be due and payable on January 1st of each year. For State fiscal year 1998 and all subsequent State fiscal years, fees shall be due and payable on July 1 of each fiscal year.

The fee due on July 1, 1997 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1997, whichever is later.

The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall continue to pay an annual fee of $90,000 for the treatment, storage, and disposal of low-level radioactive waste through State fiscal year 2002. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. If the balance in the Low-Level Radioactive Waste Facility Development and Operation Fund falls below $500,000, as of the end of any fiscal year after fiscal year 2002, the Agency is authorized to assess by rule, after notice and a hearing, an additional annual fee to be paid by the owners of nuclear power reactors for which operating licenses have been issued by the Nuclear Regulatory Commission, except that no additional annual fee shall be assessed because of the fund balance at the end of fiscal year 2005 or the end of fiscal year 2006. The additional annual fee shall be payable on the date or dates specified by rule and shall not exceed $30,000 per operating reactor per year.

(c) In each of State fiscal years 1988, 1989 and 1990, in addition to the fee imposed in subsections (b) and (d), the owner of each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall pay a fee of $408,000. If an operating license is issued during one of those 3 fiscal years, the owner shall pay a prorated amount of the fee equal to $1,117.80 multiplied by the number of days in the fiscal year during which the nuclear power reactor was licensed.

The fee shall be due and payable as follows: in fiscal year 1988, $204,000 shall be paid on October 1, 1987 and $102,000 shall be paid on each of January 1, 1988 and April 1, 1988; in fiscal year 1989, $102,000 shall be paid on each of July 1, 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and in fiscal year 1990, $102,000 shall be paid on each of July 1, 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If the operating license is issued during one of the 3 fiscal years, the owner shall be subject to those payment dates, and their corresponding amounts, on which the owner possesses an operating license and, on June 30 of the fiscal year of issuance of the license, whatever amount of the prorated fee remains outstanding.

All of the amounts collected by the Agency under this subsection (c) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

(d) In addition to the fees imposed in subsections (b) and (c), the owners of nuclear power reactors in this State for which operating licenses have been issued by the Nuclear Regulatory Commission shall pay the following fees for each such nuclear power reactor: for State fiscal year 1989, $325,000 payable on October 1, 1988, $162,500 payable on January 1, 1989, and $162,500 payable on April 1, 1989; for State fiscal year 1990, $162,500 payable on July 1, $300,000 payable on October 1, $300,000 payable on January 1 and $300,000 payable on April 1; for State fiscal year 1991, either (1) $150,000 payable on July 1, $650,000 payable on September 1, $675,000 payable on January 1, and $275,000 payable on April 1, or (2) $150,000 on July 1, $130,000 on the first day of each month from August through December, $225,000 on the first day of each month from January through March and $92,000 on the first day of each month from April through June; for State fiscal year 1992, $260,000 payable on July 1, $900,000 payable on September 1, $300,000 payable on October 1, $150,000 payable on January 1, and $100,000 payable on April 1; for State fiscal year 1993, $100,000 payable on July 1, $230,000 payable on August 1 or within 10 days after July 31, 1992, whichever is later, and $355,000 payable on October 1; for State fiscal year 1994, $100,000 payable on July 1, $75,000 payable on October 1 and $75,000 payable on April 1; for State fiscal year 1995, $100,000 payable on July 1, $75,000 payable on October 1, and $75,000 payable on April 1, for State fiscal year 1996, $100,000 payable on July 1, $75,000 payable on October 1, and $75,000 payable on April 1. The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall pay an annual fee of $30,000 through State fiscal year 2003. For State fiscal year 2004 and subsequent fiscal years, the owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission shall pay an annual fee of $30,000 per reactor, provided that the fee shall not apply to a nuclear power reactor with regard to which the owner notified the Nuclear Regulatory Commission during State fiscal year 1998 that the nuclear power reactor permanently ceased operations. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. The fee due on July 1, 1997 shall be payable on that date or within 10 days after the effective date of this amendatory Act of 1997, whichever is later. If the payments under this subsection for fiscal year 1993 due on January 1, 1993, or on April 1, 1993, or both, were due

before the effective date of this amendatory Act of the 87th General Assembly, then those payments are waived and need not be made.

All of the amounts collected by the Agency under this subsection (d) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created pursuant to subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

All payments made by licensees under this subsection (d) for fiscal year 1992 that are not appropriated and obligated by the Agency above $1,750,000 per reactor in fiscal year 1992, shall be credited to the licensees making the payments to reduce the per reactor fees required under this subsection (d) for fiscal year 1993.

(e) The Agency shall promulgate rules and regulations establishing standards for the collection of the fees authorized by this Section. The regulations shall include, but need not be limited to:

(1) the records necessary to identify the amounts of low-level radioactive wastes produced;

(2) the form and submission of reports to accompany the payment of fees to the Agency; and

(3) the time and manner of payment of fees to the Agency, which payments shall not be more frequent than quarterly.

(f) Any operating agreement entered into under subsection (b) of Section 5 of this Act between the Agency and any disposal facility contractor shall, subject to the provisions of this Act, authorize the contractor to impose upon and collect from persons using the disposal facility fees designed and set at levels reasonably calculated to produce sufficient revenues (1) to pay all costs and expenses properly incurred or accrued in connection with, and properly allocated to, performance of the contractor's obligations under the operating agreement, and (2) to provide reasonable and appropriate compensation or profit to the contractor under the operating agreement. For purposes of this subsection (f), the term "costs and expenses" may include, without limitation, (i) direct and indirect costs and expenses for labor, services, equipment, materials, insurance and other risk management costs, interest and other financing charges, and taxes or fees in lieu of taxes; (ii) payments to or required by the United States, the State of Illinois or any agency or department thereof, the Central Midwest Interstate Low-Level Radioactive Waste Compact, and subject to the provisions of this Act, any unit of local government; (iii) amortization of capitalized costs with respect to the disposal facility and its development, including any capitalized reserves; and (iv) payments with respect to reserves, accounts, escrows or trust funds required by law or otherwise provided for under the operating agreement.

(g) (Blank).

(h) (Blank).

(i) (Blank).

(j) (Blank).

(j-5) Prior to commencement of facility operations, the Agency shall adopt rules providing for the establishment and collection of fees and charges with respect to the use of the disposal facility as provided in subsection (f) of this Section.

(k) The regional disposal facility shall be subject to ad valorem real estate taxes lawfully imposed by units of local government and school districts with jurisdiction over the facility. No other local government tax, surtax, fee or other charge on activities at the regional disposal facility shall be allowed except as authorized by the Agency.

(l) The Agency shall have the power, in the event that acceptance of waste for disposal at the regional disposal facility is suspended, delayed or interrupted, to impose emergency fees on the generators of low-level radioactive waste. Generators shall pay emergency fees within 30 days of receipt of notice of the emergency fees. The Department shall deposit all of the receipts of any fees collected under this subsection into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (b) of Section 14. Emergency fees may be used to mitigate the impacts of the suspension or interruption of acceptance of waste for disposal. The requirements for rulemaking in the Illinois Administrative Procedure Act shall not apply to the imposition of emergency fees under this subsection.

(m) The Agency shall promulgate any other rules and regulations as may be necessary to implement this Section.

(Source: P.A. 100-938, eff. 8-17-18.)

Section 40. The Radioactive Waste Storage Act is amended by adding Section 0.05 and by changing Sections 1, 2, 3, 4, 5, and 6 as follows:

(420 ILCS 35/0.05 new)

Sec. 0.05. Definitions. In this Act:

"IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

"Director" means the Director of IEMA-OHS.

"Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

"Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

"Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

"Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

(420 ILCS 35/1) (from Ch. 111 1/2, par. 230.1)

Sec. 1. The Director ~~of the Illinois Emergency Management Agency~~ is authorized to acquire by private purchase, acceptance, or by condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act, any and all lands, buildings and grounds where radioactive by-products and wastes produced by industrial, medical, agricultural, scientific or other organizations can be concentrated, stored or otherwise disposed in a manner consistent with the public health and safety. Whenever, in the judgment of the Director ~~of the Illinois Emergency Management Agency~~, it is necessary to relocate existing facilities for the construction, operation, closure or long-term care of a facility for the safe and secure disposal of low-level radioactive waste, the cost of relocating such existing facilities may be deemed a part of the disposal facility land acquisition and the ~~Illinois Emergency Management~~ Agency may, on behalf of the State, pay such costs. Existing facilities include public utilities, commercial or industrial facilities, residential buildings, and such other public or privately owned buildings as the Director ~~of the Illinois Emergency Management Agency~~ deems necessary for relocation. The ~~Illinois Emergency Management~~ Agency is authorized to operate a relocation program, and to pay such costs of relocation as are provided in the federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act", Public Law 91-646. The Director ~~of the Illinois Emergency Management Agency~~ is authorized to exceed the maximum payments provided pursuant to the federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act" if necessary to assure the provision of decent, safe, and sanitary housing, or to secure a suitable alternate location. Payments issued under this Section shall be made from the Low-level Radioactive Waste Facility Development and Operation Fund established by the Illinois Low-Level Radioactive Waste Management Act.

(Source: P.A. 94-1055, eff. 1-1-07; 95-777, eff. 8-4-08.)

(420 ILCS 35/2) (from Ch. 111 1/2, par. 230.2)

Sec. 2. The Director ~~of the Illinois Emergency Management Agency~~ may accept, receive, and receipt for moneys or lands, buildings and grounds for and in behalf of the State, given by the Federal Government under any federal law to the State or by any other public or private agency, for the acquisition or operation of a site or sites for the concentration and storage of radioactive wastes. Such funds received by the Director pursuant to this section shall be deposited with the State Treasurer and held and disbursed by him in accordance with "An Act in relation to the receipt, custody, and disbursement of money allotted by the United States of America or any agency thereof for use in this State", approved July 3, 1939, as amended. Provided that such moneys or lands, buildings and grounds shall be used only for the purposes for which they are contributed.

(Source: P.A. 95-777, eff. 8-4-08.)

(420 ILCS 35/3) (from Ch. 111 1/2, par. 230.3)

Sec. 3. The Director ~~of the Illinois Emergency Management Agency~~ may lease such lands, buildings and grounds as it may acquire under the provisions of this Act to a private firm or firms for the purpose of operating a site or sites for the concentration and storage of radioactive wastes or for such other purpose not contrary to the public interests.

(Source: P.A. 95-777, eff. 8-4-08.)

(420 ILCS 35/4) (from Ch. 111 1/2, par. 230.4)

Sec. 4. The operation of any and all sites acquired for the concentration and storage of radioactive wastes shall be under the direct supervision of the ~~Illinois Emergency Management~~ Agency and shall be in accordance with regulations promulgated and enforced by the Agency to protect the public health and safety.
(Source: P.A. 95-777, eff. 8-4-08.)

(420 ILCS 35/5) (from Ch. 111 1/2, par. 230.5)

Sec. 5. The Director ~~of the Illinois Emergency Management Agency~~ is authorized to enter into contracts as he may deem necessary for carrying out the provisions of this Act. Such contracts may include the assessment of fees by the Agency. The fees required shall be established at a rate which provides an annual amount equal to the anticipated reasonable cost necessary to maintain, monitor, and otherwise supervise and care for lands and facilities as required in the interest of public health and safety.
(Source: P.A. 95-777, eff. 8-4-08.)

(420 ILCS 35/6) (from Ch. 111 1/2, par. 230.6)

Sec. 6. It is recognized by the General Assembly that any site used for the concentration and storage of radioactive waste material will represent a continuing and perpetual responsibility in the interests of the public health, safety and general welfare, and that the same must ultimately be reposed in a sovereign government without regard for the existence or nonexistence of any particular agency, instrumentality, department, division or officer thereof. In all instances lands, buildings and grounds which are to be designated as sites for the concentration and storage of radioactive waste materials shall be acquired in fee simple absolute and dedicated in perpetuity to such purpose. All rights, title and interest in, of and to any radioactive waste materials accepted by the ~~Illinois Emergency Management~~ Agency for permanent storage at such facilities, shall upon acceptance become the property of the State and shall be in all respects administered, controlled, and disposed of, including transfer by sale, lease, loan or otherwise, by the Agency in the name of the State. All fees received pursuant to contracts entered into by the ~~Illinois Emergency Management~~ Agency shall be deposited in the State Treasury and shall be set apart in a special fund to be known as the "Radioactive Waste Site Perpetual Care Fund". Monies deposited in the fund shall be expended by the ~~Illinois Emergency Management~~ Agency to monitor and maintain the site as required to protect the public health and safety on a continuing and perpetual basis. All payments received by the Department of Nuclear Safety (now the ~~Illinois Emergency Management~~ Agency) pursuant to the settlement agreement entered May 25, 1988, in the matter of the People of the State of Illinois, et al. v. Teledyne, Inc., et al. (No. 78 MR 25, Circuit Court, Bureau County, Illinois) shall be held by the State Treasurer separate and apart from all public moneys or funds of the State, and shall be used only as provided in such settlement agreement.
(Source: P.A. 95-777, eff. 8-4-08.)

Section 45. The Radioactive Waste Tracking and Permitting Act is amended by changing Sections 5, 10, and 15 as follows:

(420 ILCS 37/5)

Sec. 5. Legislative findings.

(a) The General Assembly finds:

(1) that a considerable volume of wastes are produced in this State with even greater volumes to be produced in the future;

(2) that these wastes pose a significant risk to the public health, safety and welfare of the people of Illinois; and

(3) that it is the obligation of the State of Illinois to its citizens to provide for the safe management of the wastes produced within its borders.

(b) It is the intent of this Act to authorize the ~~Illinois Emergency Management~~ Agency to establish, by regulation, a tracking system for the regulation of the use of facilities licensed under Section 8 of the Illinois Low-Level Radioactive Waste Management Act.
(Source: P.A. 95-777, eff. 8-4-08.)

(420 ILCS 37/10)

Sec. 10. Definitions.

(a) "Agency" or "IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

(b) "Director" means the Director of the ~~Illinois Emergency Management~~ Agency.

(c) "Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

(d) "Facility" means a parcel of land or a site, together with structures, equipment, and improvements on or appurtenant to the land or site, that is used or is being developed for the treatment, storage, or disposal of low-level radioactive waste.

(e) "Low-level radioactive waste" or "waste" means radioactive waste not classified as (1) high-level radioactive waste, (2) transuranic waste, (3) spent nuclear fuel, or (4) byproduct material as defined in Sections 11e(2), 11e(3), and 11e(4) of the Atomic Energy Act (42 U.S.C. 2014). This definition shall apply notwithstanding any declaration by the federal government, a state, or any regulatory agency that any radioactive material is exempt from any regulatory control.

(e-5) "Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

(e-10) "Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

(e-15) "Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(e-20) "Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

(f) "Person" means an individual, corporation, business enterprise, or other legal entity, public or private, or any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

(g) "Regional facility" or "disposal facility" means a facility that is located in Illinois and established by Illinois, under designation of Illinois as a host state by the Commission for disposal of waste.

(h) "Storage" means the temporary holding of waste for treatment or disposal for a period determined by Agency regulations.

(i) "Treatment" means any method, technique, or process, including storage for radioactive decay, that is designed to change the physical, chemical, or biological characteristics or composition of any waste in order to render the waste safer for transport, storage, or disposal, amenable to recovery, convertible to another usable material, or reduced in volume.

(Source: P.A. 103-306, eff. 7-28-23.)

(420 ILCS 37/15)

Sec. 15. Permit requirements for the storage, treatment, and disposal of waste at a disposal facility.

(a) Upon adoption of regulations under subsection (c) of this Section, no person shall deposit any low-level radioactive waste at a storage, treatment, or disposal facility in Illinois licensed under Section 8 of the Illinois Low-Level Radioactive Waste Management Act without a permit granted by the ~~Illinois Emergency Management~~ Agency.

(b) Upon adoption of regulations under subsection (c) of this Section, no person shall operate a storage, treatment, or disposal facility licensed under Section 8 of the Illinois Low-Level Radioactive Waste Management Act without a permit granted by the ~~Illinois Emergency Management~~ Agency.

(c) The ~~Illinois Emergency Management~~ Agency shall adopt regulations providing for the issuance, suspension, and revocation of permits required under subsections (a) and (b) of this Section. The regulations may provide a system for tracking low-level radioactive waste to ensure that waste that other states are responsible for disposing of under federal law does not become the responsibility of the State of Illinois. The regulations shall be consistent with the Federal Hazardous Materials Transportation Act.

(d) The Agency may enter into a contract or contracts for operation of the system for tracking low-level radioactive waste as provided in subsection (c) of this Section.

(e) A person who violates this Section or any regulation promulgated under this Section shall be subject to a civil penalty, not to exceed $10,000, for each violation. Each day a violation continues shall constitute a separate offense. A person who fails to pay a civil penalty imposed by a regulation adopted under this Section, or any portion of the penalty, is liable in a civil action in an amount not to exceed 4 times the amount imposed and not paid. At the request of the Agency, the Attorney General shall, on behalf of the State, bring an action for the recovery of any civil penalty provided for by this Section. Any civil penalties so recovered shall be deposited in the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund.

(Source: P.A. 95-777, eff. 8-4-08.)

Section 50. The Radiation Protection Act of 1990 is amended by changing Sections 4, 11, 14, 24.7, 25.1, and 25.2 as follows:

(420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4. Definitions. As used in this Act:

(a) "Accreditation" means the process by which the Agency grants permission to persons meeting the requirements of this Act and the Agency's rules and regulations to engage in the practice of administering radiation to human beings.

(a-2) "Agency" or "IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

(a-3) "Assistant Director" means the Assistant Director of the Agency.

(a-5) "By-product material" means: (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material; (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes; (3) any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; (4) any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and (5) any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in commercial, medical, or research activity before, on, or after August 8, 2005, and which the U.S. Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat to the public health and safety or the common defense and security similar to the threat posed by a discrete source or radium-226.

(b) (Blank).

(c) (Blank).

(d) "General license" means a license, pursuant to regulations promulgated by the Agency, effective without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, radioactive material, including but not limited to by-product, source or special nuclear materials.

(d-1) "Identical in substance" means the regulations promulgated by the Agency would require the same actions with respect to ionizing radiation, for the same group of affected persons, as would federal laws, regulations, or orders if any federal agency, including but not limited to the Nuclear Regulatory Commission, Food and Drug Administration, or Environmental Protection Agency, administered the subject program in Illinois.

(d-3) "Mammography" means radiography of the breast primarily for the purpose of enabling a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

(d-5) "Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

(d-5.5) "Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

(d-5.10) "Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(d-7) "Operator" is an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting the business or activities carried on within a radiation installation.

(e) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government

agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto. "Person" also includes a federal entity (and its contractors) if the federal entity agrees to be regulated by the State or as otherwise allowed under federal law.

(f) "Radiation" or "ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves or visible, infrared, or ultraviolet light.

(f-5) "Radiation emergency" means the uncontrolled release of radioactive material from a radiation installation which poses a potential threat to the public health, welfare, and safety.

(g) "Radiation installation" is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed of, or used for any purpose.

(h) "Radiation machine" is any device that produces radiation when in use.

(i) "Radioactive material" means any solid, liquid, or gaseous substance which emits radiation spontaneously.

(j) "Radiation source" or "source of ionizing radiation" means a radiation machine or radioactive material as defined herein.

(j-5) "Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

(k) "Source material" means (1) uranium, thorium, or any other material which the Agency declares by order to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the Agency declares by order to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material in such concentration to be source material.

(l) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Agency declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(m) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing radioactive materials.

(Source: P.A. 95-511, eff. 8-28-07; 95-777, eff. 8-4-08; 96-1041, eff. 7-14-10.)

(420 ILCS 40/11) (from Ch. 111 1/2, par. 210-11)

(Section scheduled to be repealed on January 1, 2027)

Sec. 11. Federal-State Agreements.

(1) The Governor, on behalf of this State, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this State, including, but not limited to, agreements concerning by-product material as defined in Section 11(e)(2) of the Atomic Energy Act of 1954, 42 U.S.C. 2014(e)(2).

(2) Any person who, on the effective date of an agreement under subsection (1) above, possesses a license issued by the Federal Government governing activities for which the Federal Government, pursuant to such agreement, is transferring its responsibilities to this State shall be deemed to possess the same pursuant to a license issued under this Act, which shall expire 90 days after receipt from the Department of Nuclear Safety (or its successor agency, the ~~Illinois Emergency Management~~ Agency) of a notice of expiration of such license, or on the date of expiration specified in the Federal license, whichever is earlier.

(3) At such time as Illinois enters into a Federal-State Agreement in accordance with the provisions of this Act, the Agency shall license and collect license fees from persons operating radiation installations, including installations involving the use or possession of by-product material as defined in subsection (a-5)(2) of Section 4 and installations having such devices or equipment utilizing or producing radioactive materials but licensure shall not apply to any x-ray machine, including those located in an office of a licensed physician or dentist. The Agency may also collect license fees from persons authorized by the Agency to engage in decommissioning and decontamination activities at radiation installations including installations licensed to use or possess by-product material as defined in subsection (a-5)(2) of Section 4. The license fees collected from persons authorized to use or possess by-product material as defined in

subsection (a-5)(2) of Section 4 or to engage in decommissioning and decontamination activities at radiation installations where such by-product material is used or possessed may include fees sufficient to cover the expenses incurred by the Department in conjunction with monitoring unlicensed properties contaminated with by-product material as defined in subsection (a-5)(2) of Section 4 and overseeing the decontamination of such unlicensed properties.

The Agency may impose fees for termination of licenses including, but not limited to, licenses for refining uranium mill concentrates to uranium hexafluoride; licenses for possession and use of source material at ore buying stations, at ion exchange facilities and at facilities where ore is processed to extract metals other than uranium or thorium; and licenses authorizing the use or possession of by-product material as defined in subsection (a-5)(2) of Section 4. The Agency may also set license fees for licenses which authorize the distribution of devices, products, or sealed sources involved in the production, utilization, or containment of radiation. After a public hearing before the Agency, the fees and collection procedures shall be prescribed under rules and regulations for protection against radiation hazards promulgated under this Act.

(4) The Agency is authorized to enter into agreements related to the receipt and expenditure of federal grants and other funds to provide assistance to states and compact regions in fulfilling responsibilities under the federal Low-Level Radioactive Waste Policy Act, as amended.

(Source: P.A. 94-104, eff. 7-1-05.)

(420 ILCS 40/14) (from Ch. 111 1/2, par. 210-14)

(Section scheduled to be repealed on January 1, 2027)

Sec. 14. Radiation Protection Advisory Council. There shall be created a Radiation Protection Advisory Council consisting of 7 members to be appointed by the Governor on the basis of demonstrated interest in and capacity to further the purposes of this Act and who shall broadly reflect the varied interests in and aspects of atomic energy and ionizing radiation within the State. The Director of the Department of Labor and the Chairman of the Commerce Commission or their representatives shall be ex-officio members of the Council.

Each member of the Council shall be appointed for a 4 year term and shall continue to serve until a successor is appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall continue to serve until a successor is appointed. The Chairman of the Council shall be selected by and from the Council membership. The Council members shall serve without compensation but shall be reimbursed for their actual expenses incurred in line of duty. The Council shall meet as often as the Chairman deems necessary, but upon request of 4 or more members it shall be the duty of the Chairman to call a meeting of the Council.

It shall be the duty of the Council to assist in the formulation of and to review the policies and program of the Agency as developed under authority of this Act and to make recommendations thereon and to provide the Agency with such technical advice and assistance as may be requested. The Council may employ such professional, technical, clerical and other assistants, without regard to the civil service laws or the "Personnel Code" of this State, as it deems necessary to carry out its duties.

Individuals who serve on advisory boards of the Department of Nuclear Safety or its successor agency, the ~~Illinois Emergency Management~~ Agency, shall be defended by the Attorney General and indemnified for all actions alleging a violation of any duty arising within the scope of their service on such board. Nothing contained herein shall be deemed to afford defense or indemnification for any willful or wanton violation of law. Such defense and indemnification shall be afforded in accordance with the terms and provisions of the State Employee Indemnification Act.

(Source: P.A. 94-104, eff. 7-1-05.)

(420 ILCS 40/24.7)

(Section scheduled to be repealed on January 1, 2027)

Sec. 24.7. Registration requirement; fees. Beginning January 1, 2000, the Department of Nuclear Safety or its successor agency, the ~~Illinois Emergency Management~~ Agency, is authorized to require every operator of a radiation installation to register the installation with the Department or the Agency before the installation is placed in operation. The Agency is authorized to exempt certain radiation sources from registration by rule when the Agency makes a determination that the exemption of such sources will not constitute a significant risk to health and safety of the public. Whenever there is a change in a radiation installation that affects the registration information provided to the Department or the Agency, including discontinuation of use or disposition of radiation sources, the operator of such installation shall, within 30 days, give written notice to the Department or the Agency detailing the change.

Beginning January 1, 2000, every radiation installation operator using radiation machines shall register annually in a manner and form prescribed by the Department of Nuclear Safety or its successor agency, the ~~Illinois Emergency Management~~ Agency, and shall pay the Department or the Agency an annual registration fee for each radiation machine. The Agency shall by rule establish the annual registration fee to register and inspect radiation installations based on the type of facility and equipment possessed by the registrant. The Agency shall bill the operator for the registration fee as soon as practical after January 1. The registration fee shall be due and payable within 60 days of the date of billing. If after 60 days the registration fee is not paid, the Agency may issue an order directing the operator of the installation to cease use of all radiation machines or take other appropriate enforcement action as provided in Section 36 of this Act. Fees collected under this Section are not refundable.

Registration of any radiation installation shall not imply approval of manufacture, storage, use, handling, operation, or disposal of radiation sources, but shall serve merely as notice to the Agency of the location and character of radiation sources in this State.

(Source: P.A. 94-104, eff. 7-1-05.)

(420 ILCS 40/25.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25.1. Each individual responsible for implementing a comprehensive radiation protection program for all hospitals and other facilities using mammography, computed tomography (CT), or therapeutic radiation machines shall register with the Department of Nuclear Safety or its successor agency, the ~~Illinois Emergency Management~~ Agency. Application for registration shall be made on a form prescribed by the Agency and shall be accompanied by the required application fee. The Agency shall approve the application and register an individual if the individual satisfies criteria established by rule of the Agency. The Agency shall assess registered individuals an annual registration fee. The Agency shall establish by rule application and registration fees. The application and registration fees shall not be refundable.

(Source: P.A. 96-1041, eff. 7-14-10.)

(420 ILCS 40/25.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25.2. Installation and servicing of radiation machines.

(a) Beginning January 1, 2002, a service provider who installs or services radiation machines in the State of Illinois must register with the Department of Nuclear Safety or its successor agency, the ~~Illinois Emergency Management~~ Agency. An operator of a radiation installation that is registered under Section 24.7 is not required to register under this Section to service the radiation machines that it owns or leases.

(b) A service provider who installs a radiation machine in the State of Illinois must report the installation to the Agency.

(c) A service provider who services a radiation machine in a radiation installation in the State of Illinois that is not registered under Section 24.7 must report the service to the Agency.

(d) The Agency is authorized to adopt rules to implement this Section, including rules assessing application and annual registration fees. Application and registration fees are not refundable.

(Source: P.A. 94-104, eff. 7-1-05.)

Section 55. The Uranium and Thorium Mill Tailings Control Act is amended by changing Section 10 as follows:

(420 ILCS 42/10)

Sec. 10. Definitions. As used in this Act:

"Agency" or "IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

"By-product material" means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes.

"Director" means the Director of the ~~Illinois Emergency Management~~ Agency.

"Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

"Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

"Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto.

"Radiation emergency" means the uncontrolled release of radioactive material from a radiation installation that poses a potential threat to the public health, welfare, and safety.

"Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

"Source material" means (i) uranium, thorium, or any other material that the Agency declares by order to be source material after the United States Nuclear Regulatory Commission or its successor has determined the material to be source material; or (ii) ores containing one or more of those materials in such concentration as the Agency declares by order to be source material after the United States Nuclear Regulatory Commission or its successor has determined the material in such concentration to be source material.

"Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of radioactive materials or devices or equipment utilizing radioactive materials.

(Source: P.A. 95-777, eff. 8-4-08.)

Section 60. The Radon Industry Licensing Act is amended by changing Sections 10 and 15 as follows:

(420 ILCS 44/10)

Sec. 10. Primary responsibility with ~~Illinois Emergency Management~~ Agency. The ~~Illinois Emergency Management~~ Agency shall have primary responsibility for coordination, oversight, and implementation of all State functions in matters concerning the presence, effects, measurement, and mitigation of risks of radon and radon progeny in dwellings and other buildings. The Department of Natural Resources, the Environmental Protection Agency, the Department of Public Health, and other State agencies shall consult and cooperate with the Agency as requested and as necessary to fulfill the purposes of this Act.

(Source: P.A. 94-369, eff. 7-29-05.)

(420 ILCS 44/15)

Sec. 15. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Agency" or "IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

(b) "Client" means any person who contracts for measurement or mitigation services.

(c) "Director" means the Director of the ~~Illinois Emergency Management~~ Agency.

(d) "Interfere" means to adversely or potentially adversely impact the successful completion of an indoor radon measurement by changing the radon or radon progeny concentrations or altering the performance of measurement equipment or an indoor radon mitigation system installation or operation.

(e) "Laboratory analysis" means the act of analyzing the radon or radon progeny concentrations with passive devices, or the act of calibrating radon or radon progeny measurement devices, or the act of exposing radon or radon progeny devices to known concentrations of radon or radon progeny as a compensated service.

(f) "Mitigation" means the act of repairing or altering a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.

(g) "Person" means entities, including, but not limited to, an individual, company, corporation, firm, group, association, partnership, joint venture, trust, or government agency or subdivision.

(h) "Radon" means a gaseous radioactive decay product of uranium or thorium.

(i) "Radon contractor" or "contractor" means a person licensed to perform radon or radon progeny mitigation or to perform measurements of radon or radon progeny in an indoor atmosphere.

(j) "Radon progeny" means any combination of the radioactive decay products of radon.

(Source: P.A. 94-369, eff. 7-29-05.)

Section 65. The Laser System Act of 1997 is amended by changing Sections 15 and 60 as follows:

(420 ILCS 56/15)

Sec. 15. Definitions. For the purposes of this Act, unless the context requires otherwise:

"Agency" or "IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

"Director" means the Director of the ~~Illinois Emergency Management~~ Agency.

"FDA" means the Food and Drug Administration of the United States Department of Health and Human Services.

"Laser installation" means a location or facility where laser systems are produced, stored, disposed of, or used for any purpose. "Laser installation" does not include any private residence.

"Laser installation operator" means an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting any business or activity within a laser installation.

"Laser machine" means a device that is capable of producing or projecting laser radiation when associated controlled devices are operated.

"Laser radiation" means an electromagnetic radiation emitted from a laser system and includes all reflected radiation, any secondary radiation, or other forms of energy resulting from the primary laser beam.

"Laser safety officer" means an individual who is qualified by training and experience in the evaluation and control of laser hazards, as evidenced by satisfaction of the training and experience requirements adopted by the Agency under subsection (b) of Section 16, and who is designated, where required by Sections 16 and 17, by a laser installation operator or temporary laser display operator to have the authority and responsibility to establish and administer a laser radiation protection program for a particular laser installation or temporary laser display.

"Laser system" means a device, laser projector, laser machine, equipment, or other apparatus that applies a source of energy to a gas, liquid, crystal, or other solid substances or combination thereof in a manner that electromagnetic radiations of a relatively uniform wave length are amplified and emitted in a cohesive beam capable of transmitting the energy developed in a manner that may be harmful to living tissues, including, but not limited to, electromagnetic waves in the range of visible, infrared, or ultraviolet light. Such systems in schools, colleges, occupational schools, and State colleges and other State institutions are also included in the definition of "laser systems". "Laser system" includes laser machines but does not include any device, machine, equipment, or other apparatus used in the provision of communications through fiber optic cable.

"Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

"Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

"Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

"Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

"Temporary laser display" means a visual effect display created for a limited period of time at a laser installation by a laser system that is not a permanent fixture in the laser installation for the entertainment of the public or invitees, regardless of whether admission is charged or whether the laser display takes place indoors or outdoors.

"Temporary laser display operator" means an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting a temporary laser display at a laser installation.

(Source: P.A. 102-558, eff. 8-20-21; 103-277, eff. 7-28-23.)

(420 ILCS 56/60)

Sec. 60. Illinois Administrative Procedure Act. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the ~~Illinois Emergency Management~~ Agency under this Act, except that Section 5 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rule required by federal law in connection with which the Agency is precluded from exercising any discretion.

(Source: P.A. 95-777, eff. 8-4-08.)".

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 Rezin, **House Bill No. 2473** 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 7.

The following voted in the affirmative:

Anderson	Ellman	Lightford	Stadelman
Aquino	Fowler	Loughran Cappel	Stoller
Belt	Glowiak Hilton	Martwick	Syverson
Bennett	Halpin	McClure	Tracy
Bryant	Harris, N.	Murphy	Turner, D.
Castro	Harriss, E.	Peters	Turner, S.
Cervantes	Hastings	Plummer	Wilcox
Chesney	Holmes	Porfirio	Mr. President
Collins	Hunter	Preston	
Cunningham	Joyce	Rezin	
Curran	Koehler	Rose	
DeWitte	Lewis	Sims	

The following voted in the negative:

Feigenholtz	Morrison	Toro	Villivalam
Fine	Simmons	Villanueva	

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.

At the hour of 2:12 o'clock p.m., Senator Koehler, presiding.

At the hour of 2:21 o'clock p.m., Senator Aquino, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its November 8, 2023 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendment No. 1 to Senate Bill 690**

Senator Lightford, Chair of the Committee on Assignments, during its November 8, 2023 meeting, to which was referred **House Bill No. 779** on June 26, 2023, pursuant to Rule 3-9(b), reported that the

Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 779** was returned to the order of third 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. 2 to House Bill 779

PRESENTATION OF CELEBRATION OF LIFE RESOLUTION

SENATE RESOLUTION NO. 596

Offered by Senator Fowler and all Senators:

Mourns the passing of Graham Joseph Hosman.

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

PRESENTATION OF CONGRATULATORY RESOLUTION

SENATE RESOLUTION NO. 595

Offered by Senator DeWitte:

Congratulates the Crystal Lake South High School boys soccer team, the Gators, on winning the 2023 Illinois High School Association (IHSA) Class 2A State Championship.

Under the Rules, the foregoing resolution was referred to the Committee on Assignments.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committee to meet at 3:30 o'clock p.m.:

Executive in Room 212

INTRODUCTION OF BILL

SENATE BILL NO. 2643. Introduced by Senator D. Turner, a bill for AN ACT concerning health.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

At the hour of 2:40 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 5:06 o'clock p.m., the Senate resumed consideration of business.

Senator Aquino, presiding.

REPORT FROM STANDING COMMITTEE

Senator Castro, Chair of the Committee on Executive, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment No. 1 to Senate Bill 690; Motion to Concur in House Amendment No. 1 to Senate Bill 1988

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Castro, Chair of the Committee on Executive, to which was referred the following Motion to Accept Specific Recommendations, reported that the Committee recommends do adopt:

Motion to Accept Specific Recommendations for Change to House Bill 2878

Under the rules, the foregoing motion is eligible for consideration by the Senate.

INTRODUCTION OF BILLS

SENATE BILL NO. 2644. Introduced by Senator Morrison, a bill for AN ACT concerning State government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Castro, **Senate Bill No. 690**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Castro moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 38; NAYS 15.

The following voted in the affirmative:

Aquino	Fine	Lightford	Stadelman
Belt	Glowiak Hilton	Loughran Cappel	Toro
Castro	Halpin	Martwick	Turner, D.
Cervantes	Harris, N.	Morrison	Ventura
Collins	Hastings	Murphy	Villa
Cunningham	Holmes	Peters	Villanueva
Edly-Allen	Hunter	Porfirio	Villivalam
Ellman	Johnson	Preston	Mr. President
Faraci	Joyce	Simmons	
Feigenholtz	Koehler	Sims	

The following voted in the negative:

Anderson	Curran	Lewis	Syverson
Bennett	DeWitte	McClure	Turner, S.
Bryant	Fowler	Rezin	Wilcox
Chesney	Harriss, E.	Stoller	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 690**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Castro, **Senate Bill No. 1988**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Castro moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 48; NAYS 6.

The following voted in the affirmative:

Anderson	Fine	Lightford	Syverson
Aquino	Fowler	Loughran Cappel	Toro
Belt	Glowiak Hilton	Martwick	Turner, D.
Castro	Halpin	McClure	Turner, S.
Cervantes	Harris, N.	Morrison	Ventura
Collins	Harriss, E.	Murphy	Villa
Cunningham	Hastings	Peters	Villanueva
Curran	Holmes	Porfirio	Villivalam
DeWitte	Hunter	Preston	Mr. President
Edly-Allen	Johnson	Rezin	
Ellman	Joyce	Simmons	
Faraci	Koehler	Sims	
Feigenholtz	Lewis	Stadelman	

The following voted in the negative:

Bennett	Chesney	Stoller
Bryant	Plummer	Wilcox

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1988**.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF HOUSE BILL VETOED BY THE GOVERNOR

Pursuant to the Motion in Writing filed on Tuesday, November 7, 2023 and journalized Tuesday, November 7, 2023, Senator Castro moved to accept the Governor's specific recommendations for change to **House Bill No. 2878**.

And on that motion, a call of the roll was had resulting as follows:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Faraci	Lewis	Stoller
Aquino	Feigenholtz	Lightford	Syverson
Belt	Fine	Loughran Cappel	Toro
Bennett	Fowler	Martwick	Turner, D.

Bryant	Glowiak Hilton	McClure	Turner, S.
Castro	Halpin	Morrison	Ventura
Cervantes	Harris, N.	Murphy	Villa
Chesney	Harriss, E.	Peters	Villanueva
Collins	Hastings	Plummer	Villivalam
Cunningham	Holmes	Porfirio	Wilcox
Curran	Hunter	Preston	Mr. President
DeWitte	Johnson	Rezin	
Edly-Allen	Joyce	Sims	
Ellman	Koehler	Stadelman	

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to **House Bill No. 2878**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 5:40 o'clock p.m., Senator Koehler, presiding.

At the hour of 5:44 o'clock p.m., Senator Aquino, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its November 8, 2023 meeting, reported that the following Legislative Measures have been approved for consideration:

Floor Amendment No. 1 to House Bill 779
Floor Amendment No. 2 to House Bill 779

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

HOUSE BILL RECALLED

On motion of Senator Sims, **House Bill No. 779** was recalled from the order of third reading to the order of second reading.

Senator Sims offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 779

AMENDMENT NO. 1 . Amend House Bill 779 by replacing everything after the enacting clause with the following:

"Article 1. General Provisions

Section 1-1. Short title. This Act may be cited as the Pawnbroker Regulation Act of 2023.

Section 1-5. Definitions.

As used in this Act:

"Applicant" means a person applying for a license pursuant to this Act.

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

"Licensee" means a person licensed pursuant to this Act.

"Pawn" means the advance of money on the deposit or pledge of physically delivered personal property, other than property the ownership of which is subject to a legal dispute or other exempt property or instruments.

"Pawnbroker" means every individual or business entity that:

(1) advances money on the pledge of tangible personal property, other than securities, printed evidence of indebtedness, or printed evidence of ownership of the personal property; or

(2) deals in the purchase of personal property on the condition of selling the property back again at a stipulated price.

"Pawn customer" means a person who pawns or pledges and physically delivers personal property in exchange for money.

"Secretary" means the Secretary of Financial and Professional Regulation, or his or her designee, including the Director of the Division of Banking of the Department of Financial and Professional Regulation.

Article 5. Licensure

Section 5-1. Scope; number of pawnbroker licenses.

(a) It is unlawful for any person to operate as a pawnbroker in Illinois except as authorized by this Act and without first having obtained a license in accordance with this Act.

(b) The business of a pawnbroker does not include advances of money secured by a deposit or pledge of title to personal property or motor vehicles.

(c) There shall not be more than 250 active pawnbroker licenses at any one time within the State of Illinois. There shall not be more than 150 active pawnbroker licenses issued for the counties of Cook, DuPage, Kane, Lake, McHenry, and Will at any one time.

Section 5-5. Licensee name.

(a) No person, partnership, association, corporation, limited liability company, or other entity engaged in the business regulated by this Act shall operate the business under a name other than the real names of the entity and individuals conducting the business. The business may in addition operate under an assumed corporate name pursuant to the Business Corporation Act of 1983, an assumed limited liability company name pursuant to the Limited Liability Company Act, or an assumed business name pursuant to the Assumed Business Name Act.

(b) It is unlawful for an individual or business entity to conduct business in this State using the word "pawn", "pawnshop", or "pawnbroker" in connection with the business or to transact business in this State in a manner that has a substantial likelihood of misleading the public by implying that the business is a pawnshop, without first obtaining a license from the Secretary.

Section 5-10. Application process; investigation; fees.

(a) The Secretary shall issue a license upon completion of all of the following:

(1) The filing of an application for license with the Secretary or the Nationwide Multistate Licensing System and Registry as approved by the Secretary.

(2) The filing with the Secretary of a listing of judgments entered against, and bankruptcy petitions by, the license applicant for the preceding 10 years.

(3) The payment, in certified funds, of the following investigation and application fees:

(A) the fees for licensure shall be a $2,000 application fee and an additional $800 fee for investigation. These fees are nonrefundable; and

(B) the fee for an application renewal shall be $2,000. The fee is nonrefundable.

(4) An investigation of the application, which investigation must allow the Secretary to issue positive findings stating that the financial responsibility, experience, character, and general fitness of the license applicant and of the members thereof if the license applicant is a partnership or association, of the officers and directors thereof if the license applicant is a corporation, and of the managers and members that retain any authority or responsibility under the operating agreement if the license applicant is a limited liability company, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purpose of this Act; if the Secretary does not so find, he or she shall not issue the license, and he or she shall notify the license applicant of the denial.

The Secretary may impose conditions on a license if the Secretary determines that those conditions are necessary or appropriate. These conditions shall be imposed in writing and shall continue in effect for the period prescribed by the Secretary.

(b) All licenses shall be issued to the license applicant. Upon issuance of the license, a pawnbroker licensee shall be authorized to engage in the business regulated by this Act. The license shall remain in full force and effect until it expires without renewal, is surrendered by the licensee, or revoked or suspended.

Section 5-15. Application form.

(a) Application for a pawnbroker license must be made in accordance with Section 5-20 and, if applicable, in accordance with requirements of the Nationwide Multistate Licensing System and Registry. The application shall be in writing, under oath or affirmation, and on a form obtained from and prescribed by the Secretary, or may be submitted electronically, with attestation, to the Nationwide Multistate Licensing System and Registry.

(b) The application shall contain the name, complete business, and residential address or addresses of the license applicant. If the license applicant is a partnership, association, corporation, or other form of business organization, the application shall contain the names and complete business and residential addresses of each member, director, and principal officer thereof. The application shall also include a description of the activities of the license applicant in such detail and for such periods as the Secretary may require, including all of the following:

(1) an affirmation of financial solvency noting such capitalization requirements as may be required by the Secretary and access to such credit as may be required by the Secretary;

(2) an affirmation that the license applicant or its members, directors, or principals, as may be appropriate, are at least 18 years of age;

(3) information as to the character, fitness, financial and business responsibility, background, experience, and criminal record of any:

(A) person, entity, or ultimate equitable owner that owns or controls, directly or indirectly, 10% or more of any class of stock of the license applicant;

(B) person, entity, or ultimate equitable owner that is not a depository institution, as defined in Section 1007.50 of the Savings Bank Act, that lends, provides, or infuses, directly or indirectly, in any way, funds to or into a license applicant in an amount equal to or more than 10% of the license applicant's net worth;

(C) person, entity, or ultimate equitable owner that controls, directly or indirectly, the election of 25% or more of the members of the board of directors of a license applicant; or

(D) person, entity, or ultimate equitable owner that the Secretary finds influences management of the license applicant; the provisions of this subsection shall not apply to a public official serving on the board of directors of a State guaranty agency;

(4) upon written request by the licensee and notwithstanding the provisions of paragraphs (1) and (2) of this subsection, the Secretary may permit the licensee to omit all or part of the information required by those paragraphs if, instead of the omitted information, the licensee submits an affidavit stating that the information submitted on the licensee's previous renewal application is still true and accurate; then the Secretary may adopt rules prescribing the form and content of the affidavit that are necessary to accomplish the purposes of this Section; and

(5) such other information as required by rules of the Secretary.

Section 5-20. Pawnbroker license application and issuance.

(a) Applicants for a license shall apply in a form prescribed by the Secretary. Each form shall contain content as set forth by rule, regulation, instruction, or procedure of the Department or Secretary and may be changed or updated as necessary by the Department or Secretary in order to carry out the purposes of this Act.

(b) In order to fulfill the purposes of this Act, the Secretary is authorized to establish relationships or contracts with the Nationwide Multistate Licensing System and Registry or other entities designated by the Nationwide Multistate Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this Act.

(c) In connection with an application for licensing, the applicant may be required, at a minimum, to furnish to the Nationwide Multistate Licensing System and Registry information concerning the applicant's identity, including:

(1) fingerprints for submission to the Federal Bureau of Investigation or any governmental agency or entity authorized to receive such information for a State, national, and international criminal history background check; and

(2) personal history and experience in a form prescribed by the Nationwide Multistate Licensing System and Registry, including the submission of authorization for the Nationwide Multistate Licensing System and Registry and the Secretary to obtain:

(A) an independent credit report obtained from a consumer reporting agency described in Section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(p); and

(B) information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

(d) For the purposes of this Section, and in order to reduce the points of contact that the Federal Bureau of Investigation may have to maintain for purposes of subsection (c), the Secretary may use the Nationwide Multistate Licensing System and Registry as a channeling agent for requesting information from and distributing information to the federal Department of Justice or any governmental agency.

(e) For the purposes of this Section, and in order to reduce the points of contact that the Secretary may have to maintain for purposes of paragraph (2) of subsection (c), the Secretary may use the Nationwide Multistate Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source as directed by the Secretary.

Section 5-25. Prohibited acts and practices for licensees.

(a) It is a violation of this Act for a licensee subject to this Act to:

(1) fail to file with the Secretary or Nationwide Multistate Licensing System and Registry, as applicable, when due, any report or reports that it is required to file under any of the provisions of this Act;

(2) commit a crime against the law of this State, any other state, or of the United States involving moral turpitude or fraudulent or dishonest dealing, and that no final judgment has been entered against it in a civil action upon grounds of fraud, misrepresentation, or deceit that has not been previously reported to the Secretary;

(3) engage in any conduct that would be cause for denial of a license;

(4) become insolvent;

(5) submit an application for a license under this Act that contains a material misstatement;

(6) demonstrate by course of conduct, negligence, or incompetence in performing any act for which it is required to hold a license under this Act;

(7) fail to advise the Secretary in writing or the Nationwide Multistate Licensing System and Registry, as applicable, of any changes to the information submitted on the most recent application for license or averments of record within 30 days after the change; the written notice must be signed in the same form as the application for the license being amended;

(8) fail to comply with the provisions of this Act and with any lawful order, rule, or regulation made or issued under the provisions of this Act;

(9) fail to submit to periodic examination by the Secretary as required by this Act; and

(10) fail to advise the Secretary in writing of judgments entered against and bankruptcy petitions by the license applicant within 5 days after the occurrence.

(b) A licensee who fails to comply with this Section or otherwise violates any of the provisions of this Section shall be subject to the penalties in Section 30-30.

Section 5-30. Refusal to issue license. The Secretary shall refuse to issue or renew a license if:

(1) it is determined that the applicant is not in compliance with any provisions of this Act;

(2) there is substantial continuity between the applicant and any violator of this Act; or

(3) the Secretary cannot make the findings specified in subsection (a) of Section 5-10.

Section 5-35. License issuance and renewal; fees.

(a) Licenses shall be renewed every year using the common renewal date of the Nationwide Multistate Licensing System and Registry, as adopted by the Secretary. Properly completed renewal application forms and filing fees may be received by the Secretary 60 days before the license expiration date, but, to be deemed timely, the completed renewal application forms and filing fees must be received by the Secretary no later than 30 days before the license expiration date.

(b) It shall be the responsibility of each licensee to accomplish renewal of its license. Failure by a licensee to submit a properly completed renewal application form and fees in a timely fashion, absent a written extension from the Secretary, shall result in the license becoming inactive.

(c) No activity regulated by this Act shall be conducted by the licensee when a license becomes inactive. An inactive license may be reactivated by the Secretary upon payment of the renewal fee and payment of a reactivation fee equal to the renewal fee.

(d) A licensee ceasing an activity regulated by this Act and desiring to no longer be licensed shall so inform the Secretary in writing and, at the same time, convey any license issued and all other symbols or indicia of licensure. The licensee shall include a plan for the withdrawal from regulated business, including a timetable for the disposition of the business, and comply with the surrender guidelines or requirements of the Secretary. Upon receipt of such written notice, the Secretary shall post the cancellation or issue a certified statement canceling the license.

(e) The expenses of administering this Act, including investigations and examinations provided for in this Act, shall be borne by and assessed against entities regulated by this Act. Subject to the limitations set forth in Section 5-10, the Department shall establish fees by rule in at least the following categories:

(1) investigation of licensees and license applicant fees;

(2) examination fees;

(3) contingent fees; and

(4) such other categories as may be required to administer this Act.

Article 10. Supervision

Section 10-5. Functions; powers; duties.

The functions, powers, and duties of the Secretary shall include the following:

(1) to issue or refuse to issue any license as provided by this Act;

(2) to revoke or suspend for cause any license issued under this Act;

(3) to keep records of all licenses issued under this Act;

(4) to receive, consider, investigate, and act upon complaints made by any person in connection with any pawnbroker licensee in this State;

(5) to prescribe the forms of and receive:

(A) applications for licenses; and

(B) all reports and all books and records required to be made by any licensee under this Act;

(6) to adopt rules necessary and proper for the administration of this Act;

(7) to subpoena documents and witnesses and compel their attendance and production, to administer oaths and affirmations, and to require the production of any books, papers, or other materials relevant to any inquiry authorized by this Act;

(8) to issue orders against any person, including, but not limited to, any officer, director, employee, prospective employee, or agent of the licensee, if the Secretary has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur; if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Secretary; or for the purpose of administering the provisions of this Act and any rule adopted in accordance with this Act;

(9) to address any inquiries to any licensee, or the officers thereof, in relation to its activities and conditions, or any other matter connected with its affairs, and it shall be the duty of any licensee or person so addressed to promptly reply in writing to those inquiries; the Secretary may also require reports from any licensee at any time the Secretary may deem desirable;

(10) to examine the books and records of every licensee under this Act;

(11) to enforce provisions of this Act;

(12) to levy fees, fines, and charges for services performed in administering this Act; the aggregate of all fees collected by the Secretary on and after the effective date of this Act shall be paid promptly after receipt, accompanied by a detailed statement thereof, into the Pawnbroker Regulation Fund under Section 10-10; the amounts deposited into that Fund shall be used for the ordinary and contingent expenses of the Department; nothing in this Act shall prevent the continuation of the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance of State officers by appropriation from the General Revenue Fund;

(13) to appoint examiners, supervisors, experts, and special assistants as needed to effectively and efficiently administer this Act;

(14) to conduct hearings for the purpose of:

(A) appeals of orders of the Secretary;

(B) suspensions or revocations of licenses, or fining of licensees;

(C) investigating complaints against licensees; and

(D) carrying out the purposes of this Act;

(15) to exercise exclusive visitorial power over a licensee unless otherwise authorized by this Act or as vested in the courts;

(16) to assign on an emergency basis an examiner or examiners to monitor the affairs of a licensee with whatever frequency the Secretary determines appropriate and to charge the licensee for reasonable and necessary expenses of the Secretary, if in the opinion of the Secretary an emergency exists or appears likely to occur;

(17) to impose civil penalties of up to $50 per day against a licensee for failing to respond to a regulatory request or reporting requirement;

(18) to enter into agreements in connection with the Nationwide Multistate Licensing System and Registry; and

(19) to perform any other lawful acts necessary or desirable to carry out the purposes and provisions of this Act.

Section 10-10. Pawnbroker Regulation Fund. The Pawnbroker Regulation Fund, which was established by Public Act 90-477, shall continue to be a special fund in the State treasury. All moneys received by the Secretary under this Act in conjunction with the provisions relating to pawnbrokers shall be deposited into the Pawnbroker Regulation Fund and used for the administration of this Act. Moneys in the Pawnbroker Regulation Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

Section 10-15. Examination; prohibited activities.

(a) The business affairs of a licensee under this Act shall be examined for compliance with this Act as often as the Secretary deems necessary and proper. The Department may adopt rules with respect to the frequency and manner of examination. The Secretary shall appoint a suitable person to perform such examination. The Secretary and his or her appointees may examine the entire books, records, documents, and operations of each licensee and its subsidiary, affiliate, or agent, and may examine any of the licensee's or its subsidiary's, affiliate's, or agent's officers, directors, employees, and agents under oath or affirmation.

(b) The Secretary shall prepare a sufficiently detailed report of each licensee's examination, shall issue a copy of the report to each licensee's principals, officers, or directors, and shall take appropriate steps to ensure correction of violations of this Act.

(c) Affiliates of a licensee shall be subject to examination by the Secretary on the same terms as the licensee, but only if reports from or examination of a licensee provides for documented evidence of unlawful activity between a licensee and affiliate benefiting, affecting, or deriving from the activities regulated by this Act.

(d) The expenses of any examination of the licensee and affiliates shall be borne by the licensee and assessed by the Secretary as may be established by rule.

(e) Upon completion of the examination, the Secretary shall issue a report to the licensee. All confidential supervisory information, including the examination report and the work papers of the report, shall belong to the Secretary's office and may not be disclosed to anyone other than the licensee, law enforcement officials or other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or to a party presenting a lawful subpoena to the Department. The Secretary may, through the Attorney General, immediately appeal to the court of jurisdiction the disclosure of such confidential supervisory information and seek a stay of the subpoena pending the outcome of the appeal. Reports required of licensees by the Secretary under this Act and results of examinations performed by the Secretary under this Act shall be the property of only the Secretary, but may be shared with the licensee. Access under this Act to the books and records of each licensee shall be limited to the Secretary and his or her agents as provided in this Act and to the licensee and its authorized agents and designees. No other person shall have access to the books and records of a licensee under this Act. Any person upon whom a demand for production of confidential supervisory information is made, whether by subpoena, order, or other judicial or administrative process, must withhold production of the confidential supervisory information and must notify the Secretary of the demand, at which time the Secretary is authorized to intervene for the purpose of

enforcing the limitations of this Section or seeking the withdrawal or termination of the attempt to compel production of the confidential supervisory information. The Secretary may impose any conditions and limitations on the disclosure of confidential supervisory information that are necessary to protect the confidentiality of that information. Except as authorized by the Secretary, no person obtaining access to confidential supervisory information may make a copy of the confidential supervisory information. The Secretary may condition a decision to disclose confidential supervisory information on entry of a protective order by the court or administrative tribunal presiding in the particular case or on a written agreement of confidentiality. In a case in which a protective order or agreement has already been entered between parties other than the Secretary, the Secretary may nevertheless condition approval for release of confidential supervisory information upon the inclusion of additional or amended provisions in the protective order. The Secretary may authorize a party who obtained the records for use in one case to provide them to another party in another case, subject to any conditions that the Secretary may impose on either or both parties. The requester shall promptly notify other parties to a case of the release of confidential supervisory information obtained and, upon entry of a protective order, shall provide copies of confidential supervisory information to the other parties.

(f) The Secretary and employees of the Department shall be subject to the restrictions provided in Section 2.5 of the Division of Banking Act, including, without limitation, the restrictions on:

(1) owning shares of stock or holding any other equity interest in an entity regulated under this Act or in any corporation or company that owns or controls an entity regulated under this Act;

(2) being an officer, director, employee, or agent of an entity regulated under this Act; and

(3) obtaining a pawn or accepting a gratuity from an entity regulated under this Act.

Section 10-20. Subpoena power of the Secretary.

(a) The Secretary shall have the power to issue and to serve subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of all books, accounts, records, and other documents and materials relevant to an examination or investigation. The Secretary, or his or her duly authorized representative, shall have power to administer oaths and affirmations to any person.

(b) In the event of noncompliance with a subpoena or subpoena duces tecum issued or caused to be issued by the Secretary, the Secretary may, through the Attorney General, petition the circuit court of the county in which the person subpoenaed resides or has its principal place of business for an order requiring the subpoenaed person to appear and testify and to produce such books, accounts, records, and other documents as are specified in the subpoena duces tecum. The court may grant injunctive relief restraining the person from advertising, promoting, soliciting, entering into, offering to enter into, continuing, or completing any pawn transaction. The court may grant other relief, including, but not limited to, the restraint, by injunction or appointment of a receiver, of any transfer, pledge, assignment, or other disposition of the person's assets or any concealment, alteration, destruction, or other disposition of books, accounts, records, or other documents and materials as the court deems appropriate, until the person has fully complied with the subpoena or subpoena duces tecum and the Secretary has completed an investigation or examination.

(c) If it appears to the Secretary that the compliance with a subpoena or subpoena duces tecum issued or caused to be issued by the Secretary pursuant to this Section is essential to an investigation or examination, the Secretary, in addition to the other remedies provided for in this Act, may, through the Attorney General, apply for relief to the circuit court of the county in which the subpoenaed person resides or has its principal place of business. The court shall thereupon direct the issuance of an order against the subpoenaed person requiring sufficient bond conditioned on compliance with the subpoena or subpoena duces tecum. The court shall cause to be endorsed on the order a suitable amount of bond or payment pursuant to which the person named in the order shall be freed, having a due regard to the nature of the case.

(d) In addition, the Secretary may, through the Attorney General, seek a writ of attachment or an equivalent order from the circuit court having jurisdiction over the person who has refused to obey a subpoena, who has refused to give testimony, or who has refused to produce the matters described in the subpoena duces tecum.

Section 10-25. Inspection of records and reports required of licensee.

(a) Inspection of records.

(1) The book or computer records, as well as every article or other thing of value so pawned or pledged, shall at all times be open to the inspection of the Secretary, the sheriff of the county, his

deputies, or any members of the police force of any city in the county in which such pawnbroker does business. In addition, the Secretary shall be authorized to inspect the books or records of any business he or she has reasonable cause to believe is conducting pawn transactions and should be licensed under this Act.

(2) The book or computer records, pawn tickets, or any other records required by the Secretary under this Act or any rule adopted in accordance with this Act shall be maintained for a period of 3 years after the date on which the record or ticket was prepared. These records and tickets shall be open to inspection of the Secretary at all times during the 3-year period.

(b) Daily report.

(1) Except as provided in paragraph (2) of this subsection, it shall be the duty of every pawnbroker to make out and deliver to the sheriff of the county in which such pawnbroker does business, on each day before noon, a legible and exact copy from the standard record book, as required in subsection (a) of Section 15-25, that lists all personal property and any other valuable thing received on deposit or purchased during the preceding day, including the exact time when received or purchased, and a description of the person or person by whom left in pledge, or from whom the same were purchased; however, in cities or towns having 25,000 or more inhabitants, a copy of the report shall at the same time also be delivered to the superintendent of police or the chief police officer of such city or town. The report may be made by computer printout or input memory device if the format has been approved by the local law enforcement agency.

(2) In counties with more than 3,000,000 inhabitants, a pawnbroker must provide the daily report to the sheriff only if the pawnshop is located in an unincorporated area of the county. Pawnbrokers located in cities or towns in such counties must deliver such reports to the superintendent of police or the chief police officer of the city or town.

(c) Report to the Secretary. The Secretary, as often as the Secretary shall deem necessary or proper, may require a pawnshop to submit a full and detailed report of its operations including, but not limited to, the number of pawns made, the amount advanced on pawn transactions, the number and amount of pawns surrendered to law enforcement, and any information required for purposes of reporting pursuant to Section 10-60. The Secretary shall prescribe the form of the report and establish the date by which the report must be filed.

Section 10-30. Suspension; revocation of licenses; fines.

(a) Upon written notice to a licensee, the Secretary may suspend or revoke any license issued pursuant to this Act if, in the notice, he or she makes a finding of one or more of the following:

(1) that through separate acts or an act or a course of conduct, the licensee has violated any provisions of this Act, any rule adopted by the Department, or any other law, rule, or regulation of this State or the United States;

(2) that any fact or condition exists that, if it had existed at the time of the original application for the license, would have warranted the Secretary in refusing originally to issue the license; or

(3) that if a licensee is not an individual, any ultimate equitable owner, officer, director, or member of the licensed partnership, association, corporation, or other entity has acted or failed to act in a way that would be cause for suspending or revoking a license to that party as an individual.

(b) No license shall be suspended or revoked, except as provided in this Section, nor shall any licensee be fined without notice of his or her right to a hearing as provided in Section 10-75.

(c) The Secretary, on good cause shown that an emergency exists, may suspend any license for a period not exceeding 180 days, pending investigation.

(d) The provisions of subsection (d) of Section 5-35 shall not affect a licensee's civil or criminal liability for acts committed before surrender of a license.

(e) No revocation, suspension, or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any person.

(f) Every license issued under this Act shall remain in force and effect until the license expires without renewal, is surrendered, is revoked, or is suspended in accordance with the provisions of this Act, but the Secretary shall have authority to reinstate a suspended license or to issue a new license to a licensee whose license has been revoked if no fact or condition then exists which would have warranted the Secretary in refusing originally to issue that license under this Act.

(g) Whenever the Secretary revokes or suspends a license issued pursuant to this Act or fines a licensee under this Act, he or she shall execute a written order to that effect. The Secretary shall post notice

of the order on an agency website maintained by the Secretary or on the Nationwide Multistate Licensing System and Registry and shall serve a copy of the order upon the licensee. Any such order may be reviewed in the manner provided by Section 10-75.

(h) If the Secretary finds any person in violation of the grounds set forth in subsection (i), he or she may enter an order imposing one or more of the following penalties:

(1) revocation of license;

(2) suspension of a license subject to reinstatement upon satisfying all reasonable conditions the Secretary may specify;

(3) placement of the licensee or applicant on probation for a period of time and subject to all reasonable conditions as the Secretary may specify;

(4) issuance of a reprimand;

(5) imposition of a fine not to exceed $25,000 for each count of separate offense; except that a fine may be imposed not to exceed $75,000 for each separate count of offense of paragraph (2) of subsection (i); or

(6) denial of a license.

(i) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (h) may be taken:

(1) being convicted or found guilty, regardless of pendency of an appeal, of a crime in any jurisdiction that involves fraud, dishonest dealing, or any other act of moral turpitude;

(2) fraud, misrepresentation, deceit, or negligence in any pawn transaction;

(3) a material or intentional misstatement of fact on an initial or renewal application;

(4) insolvency or filing under any provision of the federal Bankruptcy Code as a debtor;

(5) failure to account or deliver to any person any property, such as any money, fund, deposit, check, draft, or other document or thing of value, that has come into his or her hands and that is not his or her property or that he or she is not in law or equity entitled to retain, under the circumstances and at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery;

(6) failure to disburse funds in accordance with agreements;

(7) having a license, or the equivalent, to practice any profession or occupation revoked, suspended, or otherwise acted against, including the denial of licensure by a licensing authority of this State or another state, territory, or country for fraud, dishonest dealing, or any other act of moral turpitude;

(8) failure to comply with an order of the Secretary or rule made or issued under the provisions of this Act;

(9) engaging in activities regulated by this Act without a current, active license unless specifically exempted by this Act;

(10) failure to pay in a timely manner any fee, charge, or fine under this Act;

(11) failure to maintain, preserve, and keep available for examination all books, accounts, or other documents required by the provisions of this Act and the rules of the Secretary;

(12) refusing, obstructing, evading, or unreasonably delaying an investigation, information request, or examination authorized under this Act, or refusing, obstructing, evading, or unreasonably delaying compliance with the Secretary's subpoena or subpoena duces tecum; and

(13) failure to comply with or a violation of any provision of this Act.

(j) A licensee shall be subject to the disciplinary actions specified in this Act for violations of subsection (i) by any officer, director, shareholder, joint venture, partner, ultimate equitable owner, or employee of the licensee.

(k) A licensee shall be subject to suspension or revocation for unauthorized employee actions only if there is a pattern of repeated violations by employees or the licensee has knowledge of the violations or there is substantial harm to a consumer.

(l) Procedures for surrender of a license include the following:

(1) The Secretary may, after 10 days' notice by certified mail to the licensee at the address set forth on the license, stating the contemplated action and in general the grounds for the contemplated action and the date, time, and place of a hearing thereon, and after providing the licensee with a reasonable opportunity to be heard at the hearing before the action, fine such licensee an amount not exceeding $25,000 per violation, or revoke or suspend any license issued under this Act if he or she finds that:

(A) the licensee has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation, or direction of the Department or Secretary lawfully made pursuant to the authority of this Act; or

(B) any fact or condition exists that, if it had existed at the time of the original application for the license, clearly would have warranted the Secretary in refusing to issue the license.

(2) Any licensee may submit an application to surrender a license, but, upon the Secretary approving the surrender, it shall not affect the licensee's civil or criminal liability for acts committed before surrender or entitle the licensee to a return of any part of the license fee.

Section 10-35. Investigation of complaints. The Secretary shall maintain staff and facilities adequate to receive, record, and investigate complaints and inquiries made by any person concerning this Act and any licensees under this Act. Each licensee shall open its books, records, documents, and offices wherever situated to the Secretary or his or her appointees as needed to facilitate such investigations.

Section 10-40. Additional investigation and examination authority. In addition to any authority allowed under this Act, the Secretary shall have the authority to conduct investigations and examinations as follows:

(1) For purposes of initial licensing, license renewal, license discipline, license conditioning, license revocation or termination, or general or specific inquiry or investigation to determine compliance with this Act, the Secretary shall have the authority to access, receive, and use any books, accounts, records, files, documents, information, or evidence, including, but not limited to, the following:

(A) criminal, civil, and administrative history information, including nonconviction data as specified in the Criminal Code of 2012;

(B) personal history and experience information, including independent credit reports obtained from a consumer reporting agency described in Section 603(p) of the federal Fair Credit Reporting Act; and

(C) any other documents, information, or evidence the Secretary deems relevant to the inquiry or investigation, regardless of the location, possession, control, or custody of the documents, information, or evidence.

(2) For the purposes of investigating violations or complaints arising under this Act or for the purposes of examination, the Secretary may review, investigate, or examine any licensee, individual, or person subject to this Act as often as necessary in order to carry out the purposes of this Act. The Secretary may direct, subpoena, or order the attendance of and examine under oath or affirmation all persons whose testimony may be required about the pawn transactions or the business or subject matter of any such examination or investigation, and may direct, subpoena, or order the person to produce books, accounts, records, files, and any other documents the Secretary deems relevant to the inquiry.

(3) Each licensee, individual, or person subject to this Act shall make available to the Secretary upon request the books and records relating to the operations of the licensee, individual, or person subject to this Act. The Secretary shall have access to those books and records and interview the officers, principals, employees, independent contractors, agents, and customers of the licensee, individual, or person subject to this Act concerning their business.

(4) Each licensee, individual, or person subject to this Act shall make or compile reports or prepare other information as directed by the Secretary in order to carry out the purposes of this Section, including, but not limited to:

(A) accounting compilations;

(B) information lists and data concerning pawn transactions in a format prescribed by the Secretary; or

(C) other information deemed necessary to carry out the purposes of this Section.

(5) In making any examination or investigation authorized by this Act, the Secretary may control access to any documents and records of the licensee or person under examination or investigation. The Secretary may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, no person shall remove or attempt to remove any of the documents or records, except pursuant to a court order or with the consent of the Secretary. Unless the Secretary has

reasonable grounds to believe the documents or records of the licensee have been, or are at risk of being altered or destroyed for purposes of concealing a violation of this Act, the licensee or owner of the documents and records shall have access to the documents or records as necessary to conduct its ordinary business affairs.

(6) In order to carry out the purposes of this Section, the Secretary may:

(A) retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

(B) enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this Section;

(C) use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the licensee, individual, or person subject to this Act;

(D) accept and rely on examination or investigation reports made by other government officials, within or outside this State; or

(E) accept audit reports made by an independent certified public accountant for the licensee, individual, or person subject to this Act in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation, or other writing of the Secretary.

(7) The authority of this Section shall remain in effect, whether such a licensee, individual, or person subject to this Act acts or claims to act under any licensing or registration law of this State or claims to act without the authority.

(8) No licensee, individual, or person subject to investigation or examination under this Section may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

Section 10-45. Confidential information. In hearings conducted under this Act, information presented into evidence that was acquired by the licensee when serving any individual in connection with a pawn transaction, including all financial information of the individual, shall be deemed strictly confidential and shall be made available only as part of the record of a hearing under this Act or otherwise (i) when the record is required, in its entirety, for purposes of judicial review or (ii) upon the express written consent of the individual served, or in the case of his or her death or disability, the consent of his or her personal representative.

Section 10-50. Confidentiality.

(a) In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing, except as otherwise provided in 12 U.S.C. Section 5111, the requirements under any federal law or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry, and any privilege arising under federal or State law, including the rules of any federal or State court, with respect to such information or material, shall continue to apply to information or material after the information or material has been disclosed to the Nationwide Mortgage Licensing System and Registry. The information and material may be shared with all State and federal regulatory officials with pawnbroker industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or State law.

(b) In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing, the Secretary is authorized to enter agreements or sharing into arrangements with other governmental agencies, the Conference of State Bank Supervisors or other associations representing governmental agencies as established by rule, regulation, or order of the Secretary. The sharing of confidential supervisory information or any information or material described in subsection (a) pursuant to an agreement or sharing arrangement shall not result in the loss of privilege or the loss of confidentiality protections provided by federal law or State law.

(c) In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing, information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to the following:

(1) disclosure under any State law governing the disclosure to the public of information held by an officer or an agency of the State; or

(2) subpoena, discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry with respect to the information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of that person, that privilege.

(d) In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing, any other law relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of this Section to the extent the other law provides less confidentiality or a weaker privilege.

Section 10-55. Reports of violations. Any person licensed under this Act or any other person may report to the Secretary any information to show that a person subject to this Act is or may be in violation of this Act. A licensee who files a report with the Department that another licensee is engaged in one or more violations pursuant to this Act shall not be the subject of disciplinary action by the Department, unless the Department determines, by a preponderance of the evidence available to the Department, that the reporting person knowingly or recklessly participated in the violation that was reported.

Section 10-60. Pawnbroker annual report. The Department shall, in conjunction with advice from a professional association that represents 50 or more licensees, issue an annual report, via an Internet-based program, of aggregate pawnbroker activity within 180 days after the beginning of the calendar year. The report shall contain at a minimum:

(1) The number of licensed pawnbrokers.

(2) The total dollar amount financed.

(3) The total number of pawns for each value threshold set forth in subsection (c) of Section 15-10.

(4) The total dollar amount of extensions.

(5) The total number of extensions for each value threshold set forth in subsection (c) of Section 15-10.

(6) The average pawn dollar amount for each value threshold set forth in subsection (c) of Section 15-10.

(7) The average monthly finance charge for each value threshold set forth in subsection (c) of Section 15-10.

(8) The percentage of pawns surrendered to law enforcement.

(9) The percentage of total pawns surrendered to law enforcement by dollar amount.

(10) The percentage of pawns redeemed.

(11) The percentage of pawns extended.

(12) The total number of pawnbroker employees.

(13) The total number of licensees reporting.

(14) The total number of complaints received by the Department.

Section 10-65. Responsible pawnbroker training; pawnbroker managers and employees.

(a) A person who manages or is an employee of a pawnbroker that provides pawnbroker services and related functions shall complete, within 90 days after commencing employment, a minimum of 4 hours of training, which may be provided in a classroom or seminar setting or via Internet-based online learning programs, such training shall be provided at the employer's expense and shall be provided by qualified vendor approved by the Secretary. The training subjects shall be established by rule, and may include the following:

(1) federal, State, and local laws, administrative rules, and regulations that pertain to the business of being a licensed pawnbroker under this Act;

(2) procedures for identifying possible fraudulent transactions;

(3) anti-money laundering;

(4) store operations, maintenance of records, inventory management, recording and reporting of serial numbers;

(5) general product knowledge, including, but not limited to, jewelry and firearms;

(6) identification, verification, and weighing of precious metals;

(7) inspections by State and local licensing and law enforcement authorities, including hold order procedures;

(8) the federal Military Lending Act;

(9) pawn forfeits; and

(10) security, risk, and crisis management.

(b) The training may be provided in a classroom or seminar setting or via Internet-based online learning programs, as established by rule. The substance of the training shall be related to the work performed by the registered employee.

(c) In addition to the training provided for in subsections (a) and (b), registered employees of a pawnbroker shall complete an additional 4 hours of refresher training on subjects to be determined by the employer each calendar year commencing with the calendar year following the employee's first employment anniversary date, which refresher training may be site-specific and may be conducted on the job.

(d) It is the responsibility of the pawnbroker or the Secretary-approved qualified vendor to certify, on a form prescribed by the Secretary, that the employee has successfully completed the basic and refresher training. The original form or a copy shall be a permanent record of training completed by the employee and shall be placed in the employee's file with the employer for the period the employee remains with the employer. The original form or a copy shall be given to the employee when his or her employment is terminated. Failure to return the original form or a copy to the employee is grounds for disciplinary action. The employee shall not be required to repeat the required training once the employee has been issued the form. An employer may provide or require additional training.

(e) It shall be the responsibility of the pawnbroker and the Secretary-approved qualified training vendor to keep and maintain a personal log of all training hours earned along with sufficient documentation necessary for the Secretary to verify the annual training completed for at least 5 years. The personal training log and documentation shall be provided to the Secretary in the same manner as other documentation and records required under this Act.

(f) Notwithstanding any other professional license a pawnbroker holds under this Act, no more than 8 hours of annual training shall be required for any one year.

(g) The license of a pawnbroker whose managers or employees fail to comply with this Section may be suspended or revoked or may face other disciplinary action.

(h) The regulation of pawnbroker employee training is an exclusive power and function of the State. A home rule unit may not regulate pawnbroker employee training or require a pawnbroker that is licensed by the State under this Act, or its employees, to maintain licenses in addition to licensure under the Act, to operate. This subsection is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(i) Persons seeking the Secretary's approval to offer the training required by subsection (b) may apply for such approval between August 1 and August 31 every 4 years in a manner prescribed by the Secretary.

(j) Persons seeking the Secretary's approval to offer the training required by subsection (b) shall submit a nonrefundable application fee of $2,000 or a fee set by rule, to be deposited into the Pawnbroker Regulation Fund. Any changes made to the training module shall be approved by the Secretary.

(k) The Secretary shall not unreasonably deny approval of a training module, whether in-person or online, that meets all the requirements of subsection (b). A denial of approval shall include a detailed description of the reasons for the denial.

(l) A person approved to provide the training required by subsection (b) shall submit an application for re-approval between August 1 and August 31 of each even-numbered year and include a nonrefundable application fee of $2,000 or a fee set by rule, to be deposited into the Pawnbroker Regulation Fund.

Section 10-70. 10-70. Rules and regulations.

(a) In addition to such powers as may be prescribed by this Act, the Department is hereby authorized and empowered to adopt rules consistent with the purposes of this Act, including, but not limited to:

(1) rules in connection with the activities of licensees as may be necessary and appropriate for the protection of consumers in this State;

(2) rules as may be necessary and appropriate to define improper or fraudulent business practices in connection with the activities of licensees in operating as a pawnbroker;

(3) rules that define the terms used in this Act and as may be necessary and appropriate to interpret and implement the provisions of this Act; and

(4) rules as may be necessary for the enforcement of this Act.

(b) The Secretary is hereby authorized and empowered to make specific rulings, demands, and findings that he or she deems necessary for the proper conduct of the pawnbroker industry.

(c) A person or entity may make a written application to the Department for a written interpretation of this Act. The Department may then, in its sole discretion, choose to issue a written interpretation. To be valid, a written interpretation must be signed by the Secretary, or his or her designee, and the Department's general counsel or his or her designee. A written interpretation expires 2 years after the date that it was issued.

(d) No provision in this Act that imposes liability or establishes violations shall apply to any act taken by a person or entity in conformity with a written interpretation of this Act that is in effect at the time the act is taken, notwithstanding whether the written interpretation is later amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

Section 10-75. Appeal and review.

(a) Any person or entity affected by a decision of the Secretary under any provision of this Act may obtain review of that decision within the Department.

(b) The Department may, in accordance with the Illinois Administrative Procedure Act, adopt rules to provide for review within the Department of the Secretary's decisions affecting the rights of entities under this Act. The review shall provide for, at a minimum:

(1) appointment of a hearing officer other than a regular employee of the Division of Banking;

(2) appropriate procedural rules, specific deadlines for filings, and standards of evidence and of proof; and

(3) provision for apportioning costs among parties to the appeal.

(c) All final agency determinations of appeals to decisions of the Secretary may be reviewed in accordance with and under the provisions of the Administrative Review Law. Appeals from all final orders and judgments entered by a court in review of any final administrative decision of the Secretary or of any final agency review of a decision of the Secretary may be taken as in other civil cases.

Section 10-80. Violations of this Act; Secretary's orders.

(a) If the Secretary finds, as the result of examination, investigation, or review of reports submitted by a licensee, that the business and affairs of a licensee are not being conducted in accordance with this Act, the Secretary shall notify the licensee of the correction necessary. If a licensee fails to correct such violations, the Secretary shall issue an order requiring immediate correction and compliance with this Act, specifying a reasonable date for performance.

(b) The Department may adopt rules to provide for an orderly and timely appeal of all orders within the Department. The rules may include provision for assessment of fees and costs.

Section 10-85. Collection of compensation. Unless exempt from licensure under this Act, no person engaged in or offering to engage in any act or service for which a license under this Act is required may bring or maintain any action in any court of this State to collect compensation for the performance of the licensable services without alleging and proving that he or she was the holder of a valid pawnbroker license under this Act at all times during the performance of those services.

Section 10-90. Injunction. The Secretary, through the Attorney General, 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 a person from engaging in unlicensed pawnbroker activity, to restrain any person from violating or continuing to violate any of the provisions of this Act, or to file a complaint to take possession and control of a pawnshop for the purpose of examination, reorganization, or liquidation through receivership and to appoint a receiver, which may be the Secretary, a pawnshop, or another suitable person

Article 15. Pawn Customer Bill of Rights

Section 15-5. General provisions.

(a) It is unlawful for an individual or business entity to conduct business in this State using the word "pawn", "pawnshop", or "pawnbroker" in connection with the business or to transact business in this State in a manner that has a substantial likelihood of misleading the public by implying that the business is a pawnshop, without first obtaining a license from the Secretary. It shall be unlawful for any business to advertise in a pawnbroker category, digitally or in print without including that business's pawnbroker and Nationwide Multistate Licensing System and Registry license number.

(b) It is unlawful for an entity licensed under this Act to do any of the following:

(1) Engage, have engaged, or propose to engage in any unlawful, unfair, deceptive, or abusive act or practice with respect to financial products or services.

(2) Offer or provide to a consumer any financial product or service not in conformity with this Act or otherwise commit any act or omission in violation of a financial law.

(3) Fail or refuse, as required by this Act or any rule or order issued by the Department hereunder, to do any of the following:

(A) Permit the Department to access or copy records.

(B) Establish or maintain records.

(C) Make reports or provide information to the Department.

Section 15-10. Fees.

(a) It is unlawful for any pawnbroker to charge or collect a greater benefit or percentage upon money advanced, and for the use and forbearance thereof, than the amount specified in subsection (c). Nothing in this Section shall be construed to conflict with the law pertaining to usury and the person receiving money so advanced may hold the moneys to pay any fees in addition to interest.

(b) Each pawnbroker, when making a pawn under this Section, must disclose in printed form on the pawn contract the following information to the persons receiving the pawn:

(1) the amount of money advanced, which must be designated as the amount pawned;

(2) the maturity date of the pawn, which must be at least 30 days after the originating date of the pawn;

(3) the total pawn interest and service charge payable on the maturity date, which must be designated as the finance charge;

(4) the total of payments that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments; and

(5) the annual percentage rate, computed according to the regulations adopted by the Consumer Financial Protection Bureau under the federal Truth in Lending Act.

(c) Each pawnbroker may contract for and receive a monthly finance charge, including interest and fees not to exceed one-fifth of the pawn amount for pawns under $500; one-sixth of the pawn amount for pawns $500 or more and $1,500 or less; one-eighth of the pawn amount for pawns of over $1,500 and $5,000 or less; and one-twentieth of the pawn amount for pawns of over $5,000, pursuant to Section 15-30, for appraising, investigating title, storing, insuring the pledged property, making daily reports to local law enforcement including enhanced computerized reporting, and complying with regulatory requirements. Such fees, when made and collected, shall not be deemed interest for any purpose of law. A pawnbroker shall not require a customer to pay such fees by means of an electronic fund transfer, as that term is defined in Section 10 of the Electronic Fund Transfer Act, including through the use of an automated clearinghouse system.

(d) Notwithstanding any inconsistent provision of law, a pawn transaction made pursuant to this Act shall be exempt from the provisions of the Predatory Loan Prevention Act.

Section 15-15. Display of fee provision. Every pawnbroker shall at all times have and keep Section 15-10 printed in the English and Spanish languages and framed and posted in a prominent and conspicuous position in its place of business, so that the same shall be plainly legible and visible to all persons depositing or pledging property with such pawnbroker.

Section 15-20. Disclosure of article description and pawn terms.

(a) Every pawnbroker shall, at the time of making any advancement or pawn, deliver to the person pawning or pledging any property, a memorandum, contract, or note signed by the person pawning the property containing an accurate account and description, in the English language, of the following:

(1) All the goods, articles or other things pawned or pledged.

(2) The amount of money and the time of pledging the same.

(3) The rate of interest to be paid on the pawn.

(4) The name and residence of the person making the pawn or pledge.

(5) The dollar amount of any fees as specified in Section 15-10.

(6) A disclosure that by extending the pawn, the fees may exceed the value of the item pawned.

(b) The Secretary may adopt rules prescribing the form and content of the disclosures required by subsection (a).

Section 15-25. Record requirements.

(a) Except in municipalities located in counties having 3,000,000 or more inhabitants, every pawnbroker shall keep a standard record book that has been approved by the sheriff of the county in which the pawnbroker does business. In municipalities in counties with 3,000,000 or more inhabitants, the record book shall be approved by the police department of the municipality in which the pawnbroker does business. At the time of each and every pawn or purchase, an accurate account and description, in the English language, of each of the items listed in subsection (a) of Section 15-20 shall be printed, typed, or written in ink in the record book. Such entry shall include the serial number or identification number of items received that bear such number. Except for items purchased from dealers possessing a federal employee identification number who have provided a receipt to the pawnbroker, every pawnbroker shall also record in his book, an accurate account and description, in the English language, of all goods, articles, and other things purchased or received for the purpose of resale or items pawned by the pawnbroker from any source, including other pawnshop locations owned by the same pawnbroker, not in the course of a pledge or pawn, the time of such purchase or receipt and the name and address of the person or business which sold or delivered such goods, articles, or other things to the pawnbroker. No entry in such book shall be erased, mutilated, or changed.

(b) Every pawnbroker shall require identification to be shown by each person selling or pawning any goods, articles, or other things to the pawnbroker. If the identification shown is a driver's license, State identification card, or consular identification card and contains a photograph of the person being identified, only one form of identification must be shown. If the identification shown is not a driver's license, State identification card, or consular identification card or does not contain a photograph, 2 forms of identification must be shown, and one of the 2 forms of identification must include the person's residence address. These forms of identification shall include, but not be limited to, any of the following: passport, driver's license, social security card, utility bill, employee or student identification card, credit card, or a civic, union, or professional association membership card. In addition, in a municipality with a population of 1,000,000 or more inhabitants, if the customer does not have an identification issued by a governmental entity containing a photograph of the person being identified, the pawnbroker shall photograph the customer in color and record the customer's name, residence address, date of birth, gender, height, and weight along with the photograph.

(c) A county or municipality, including a home rule unit, may regulate a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things to the pawnbroker in a manner that is not less restrictive than the regulation by this State of a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things. A home rule unit may not regulate a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things to the pawnbroker in a manner less restrictive than the regulation by this State of a pawnbroker's identification requirements for persons selling or pawning goods, articles, or other things. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by this State.

(d) A pawnbroker may maintain the records required by subsection (a) in computer form if the computer form has been approved by the Secretary or his or her designee, the sheriff of the county in which the shop is located, and the police department of the municipality in which the shop is located.

(e) Records, including reports to the Secretary or his or her designee, maintained by pawnbrokers shall be confidential, and no disclosure of pawnbroker records shall be made, except disclosures authorized by this Act or ordered by a court of competent jurisdiction. No record transferred to a governmental official shall be improperly disclosed, however, use of those records as evidence of a felony or misdemeanor shall be a proper purpose.

(f) Pawnbrokers and their associations may lawfully give appropriate governmental agencies computer equipment for the purpose of transferring information pursuant to this Act.

Section 15-30. Replacement of articles or property; insurance.

(a) If any articles or property pledged are lost or rendered inoperable, the pawnbroker shall replace the articles or property with identical articles or property, except that if the pawnbroker cannot reasonably obtain identical articles or property, the pawnbroker shall replace the articles or property with like articles or property.

(b) No pawnbroker shall conduct business in this State, unless the pawnbroker maintains insurance coverage covering all hazards equal to at least 2 times the aggregate value of the outstanding pawns for items held in pawn. Such insurance shall be obtained from an insurance company authorized to do business in Illinois.

(c) The pawnbroker shall file a copy of proof of insurance coverage with the Secretary. A pawnbroker or an insurance company shall not cancel the insurance coverage, except upon notice to the Secretary by certified mail, return receipt requested. The cancellation is not effective until 30 days after the Secretary receives the notice.

Section 15-35. Minors. No pawnbroker shall purchase, take, or receive any pawn, any property of any kind from any minor who is under 18 years of age, or the ownership of which is in, or which is claimed by, any such minor, or which may be in the possession or under the control of any such minor.

Section 15-40. Intoxicated persons; persons convicted of theft. No pawnbroker shall knowingly or recklessly purchase or take any article in pawn or purchase from any person appearing to be intoxicated, nor from any person known to have been convicted of theft. A law enforcement officer may provide such criminal conviction information to a pawnbroker. Such information must be provided in writing.

Section 15-45. Altered property; serial number and manufacturer's identification number.

(a) No pawnbroker shall receive or purchase any article if the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property has been removed, altered, or obliterated.

(b) The prohibition in subsection (a) does not apply if the article's manufacturer's make, model, or serial number, personal identification number, or identifying marks have been worn in the ordinary course of use. However, no article described in this subsection (b) shall be sold or transferred to another pawnshop location of such pawnbroker for a period of 15 days after the delivery of the copy and statement required by subsection (b) of Section 10-25 required to be delivered to the officer or officers named therein.

Section 15-50. Sale of property.

(a) No personal property pledged or received on deposit by any pawnbroker shall be permitted to be redeemed from such pawnbroker for a period of 48 hours after the delivery of the copy and statement required by subsection (b) of Section 10-25 to be delivered to the officer or officers named therein.

(b) No personal property purchased by any pawnbroker shall be sold or removed from the place of business or transferred to another pawnshop location of such pawnbroker for a period of 10 days after the delivery of the copy and statement required by subsection (b) of Section 10-25 to be delivered to the officer or officers named therein.

(c) If the pawner fails to repay or extend the pawn during the period specified on the pawn ticket, the pawnbroker shall automatically extend a grace period of 30 days after the default date on the pawn during which the pawnbroker shall not dispose of or sell the personal property pawned. The parties may agree to extend or renew a pawn upon terms agreed upon by the parties, if the terms comply with the requirements of this Act. Title to the pledged property transfers to the pawnbroker after the default date grace period expires or upon expiration of an agreed extension.

(d) A county or municipality, including a home rule unit, may regulate holding periods in a manner that is more restrictive than the regulation provided in this Section.

(e) A home rule unit may not regulate the holding periods in this Section in a manner less restrictive than the regulation by this State. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by this State.

Section 15-55. Hold order.

(a) For the purposes of this Section, "hold order" means a written legal instrument issued to a pawnbroker by a law enforcement officer commissioned by the law enforcement agency of the municipality or county that licenses and regulates the pawnbroker, evidencing a criminal law enforcement investigation, and ordering the pawnbroker to retain physical possession of pawned goods in the possession of the pawnbroker or property purchased by and in the possession of the pawnbroker and to not return, sell, or otherwise dispose of such property as such property is believed to be misappropriated goods.

(b) Upon written notice from a law enforcement officer indicating that property in the possession of a pawnbroker and subject to a hold order is needed for the purpose of furthering a criminal investigation and prosecution, the pawnbroker shall release the property subject to the hold order to the custody of the law enforcement officer for such purpose and the law enforcement officer shall provide a written acknowledgment that the property has been released to the officer. The release of the property to the custody of the law enforcement officer shall not be considered a waiver or release of the pawnbroker's property rights or interest in the property. Upon completion of the criminal investigation, the property shall be returned to the pawnbroker who consented to its release; except that:

(1) if the criminal investigation took place within a county or counties with a population of less than 300,000 and that investigation:

(A) has determined that the property is stolen property,

(B) has determined that the fair market value of the stolen property is $500 or less,

(C) has identified the rightful owner of the stolen property, and

(D) contains a court-admissible sworn statement by the rightful owner that they are the true owners of the stolen property, then law enforcement shall return the property to that owner without the payment of the money advanced by the pawnbroker or any costs or charges of any kind that the pawnbroker may have placed upon the same; or

(2) if the criminal investigation took place within a county or counties with a population of more than 300,000 and that investigation:

(A) has determined that the property is stolen property,

(B) has determined that the then-fair market value of the stolen property is $1,000 or less,

(C) has identified the rightful owner of the stolen property, and

(D) contains a court-admissible sworn statement by the rightful owner that they are the true owners of the stolen property, then law enforcement shall return the property to that owner without the payment of the money advanced by the pawnbroker or any costs or charges of any kind that the pawnbroker may have placed upon the same.

(c) After the return of said property, the pawnbroker shall not be liable to any private person or government entity for any further claims on the returned property. Law enforcement shall provide all information related to such persons involved in the investigation to the pawnbroker, including the investigative report, without the need for a subpoena, court order, or further legal action of government filing. The hold order shall expire on the 120th day after it is issued, at which time the pawnbroker may exercise its rights under any applicable pawn ticket or extension. If the law enforcement officer has not completed the criminal investigation within 120 days after the issuance of the hold order, the officer shall immediately return any property in law enforcement custody to the pawnbroker or obtain and furnish to the pawnbroker a warrant for a maximum 120-day hold order extension and, as applicable, continued law enforcement custody of the property.

The pawnbroker shall not release or dispose of the property, except pursuant to a court order or the expiration of the holding period of the hold order, including all extensions.

In cases where criminal charges have been filed and the property may be needed as evidence, the prosecuting attorney shall notify the pawnbroker in writing. The notice shall contain the case number, the style of the case, and a description of the property. The pawnbroker shall hold the property until receiving notice of the disposition of the case from the prosecuting attorney. The prosecuting attorney shall notify the pawnbroker and claimant in writing within 15 days after the disposition of the case.

(d) A hold order, and a foregoing notice of criminal charges, must specify:

(1) the name and address of the pawnbroker;

(2) the law enforcement investigation number, the name, title, and identification number of the law enforcement officer placing the hold order or the court placing the hold order;

(3) a complete description of the property to be held, including model number and serial number if available, to law enforcement;

(4) the name of the alleged owner or person reporting the alleged misappropriated property, unless otherwise prohibited by law;

(5) the mailing address of the pawnbroker where the property is held; and

(6) the issuance and expiration date of the holding period.

(e) The pawnbroker or the pawnbroker's representative must sign and date a copy of the hold order as evidence of receipt of the hold order and the beginning of the 120-day holding period.

Article 20. Consumer Fraud Protections

Section 20-5. Enforcement; Consumer Fraud and Deceptive Business Practices Act. The Attorney General may enforce a violation of Article 15 of this Act as an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

Article 25. Transition provisions

Section 25-5. Savings provisions.

(a) This Act is intended to replace the Pawnbroker Regulation Act in all respects.

(b) Beginning on the effective date of this Act, the rights, powers, and duties exercised by the Department of Financial and Professional Regulation under the Pawnbroker Regulation Act shall continue to be vested in, to be the obligation of, and to be exercised by the Department of Financial and Professional Regulation under the provisions of this Act.

(c) This Act does not affect any act done, ratified, or cancelled, any right occurring or established, or any action or proceeding commenced in an administrative, civil, or criminal cause before the effective date of this Act by the Department of Financial and Professional Regulation under the Pawnbroker Regulation Act. Those actions or proceedings may be prosecuted and continued by the Department of Financial and Professional Regulation under this Act.

(d) This Act does not affect any license, certificate, permit, or other form of licensure issued by the Department of Financial and Professional Regulation under the Pawnbroker Regulation Act. All such licenses, certificates, permits, or other form of licensure shall continue to be valid under the terms and conditions of this Act.

(e) The rules adopted by the Department of Financial and Professional Regulation relating to the Pawnbroker Regulation Act, unless inconsistent with the provisions of this Act, are not affected by this Act, and on the effective date of this Act, those rules become rules under this Act.

(f) This Act does not affect any discipline, suspension, or termination that has occurred under the Pawnbroker Regulation Act or other predecessor Act. Any action for discipline, suspension, or termination instituted under the Pawnbroker Regulation Act shall be continued under this Act.

Article 90. Amendatory Provisions

Section 90-5. The Division of Banking Act is amended by changing Sections 2.5 and 5 as follows:

(20 ILCS 3205/2.5)

Sec. 2.5. Prohibited activities.

(a) For the purposes of this Section, "regulated entity" means any person, business, company, corporation, institution, or other entity who is subject to regulation by the Office of Banks and Real Estate under Sections 3 and 46 of the Illinois Banking Act, Section 1-5 of the Illinois Savings and Loan Act of 1985, Section 1004 of the Savings Bank Act, Section 1-3 of the Residential Mortgage License Act of 1987, Section 2-4 of the Corporate Fiduciary Act, Section 3.02 of the Illinois Bank Holding Company Act of 1957, the Savings and Loan Share and Account Act, ~~Section 1.5 of~~ the Pawnbroker Regulation Act of 2023, Section 3 of the Foreign Banking Office Act, or Section 30 of the Electronic Fund Transfer Act.

(b) The Commissioner and the deputy commissioners shall not be an officer, director, employee, or agent of a regulated entity or of a corporation or company that owns or controls a regulated entity.

The Commissioner and the deputy commissioners shall not own shares of stock or hold any other equity interest in a regulated entity or in a corporation or company that owns or controls a regulated entity. If the Commissioner or a deputy commissioner owns shares of stock or holds an equity interest in a regulated entity at the time of appointment, he or she shall dispose of such shares or other equity interest within 120 days from the date of appointment.

The Commissioner and the deputy commissioners shall not directly or indirectly obtain a loan from a regulated entity or accept a gratuity from a regulated entity that is intended to influence the performance of official duties.

(c) Employees of the Office of Banks and Real Estate shall not be officers, directors, employees, or agents of a regulated entity or of a corporation or company that owns or controls a regulated entity.

Except as provided by standards which the Office of Banks and Real Estate may establish, employees of the Office of Banks and Real Estate shall not own shares of stock or hold any other equity interest in a regulated entity or in a corporation or company that owns or controls a regulated entity, or directly or indirectly obtain a loan from a regulated entity, or accept a gratuity from a regulated entity that is intended to influence the performance of official duties. However, in no case shall an employee of the Office of Banks and Real Estate participate in any manner in the examination or direct regulation of a regulated entity in which the employee owns shares of stock or holds any other equity interest, or which is servicing a loan to which the employee is an obligor.

(d) If the Commissioner, a deputy commissioner, or any employee of the Office of Banks and Real Estate properly obtains a loan or extension of credit from an entity that is not a regulated entity, and the loan or extension of credit is subsequently acquired by a regulated entity or the entity converts to become a regulated entity after the loan is made, such purchase by or conversion to a regulated entity shall not cause the loan or extension of credit to be deemed a violation of this Section.

Nothing in this Section shall be deemed to prevent the ownership of a checking account, a savings deposit account, a money market account, a certificate of deposit, a credit or debit card account, or shares in open-end investment companies registered with the Securities and Exchange Commission pursuant to the federal Investment Company Act of 1940 and the Securities Act of 1933 (commonly referred to as mutual or money market funds).

(e) No Commissioner, deputy commissioner, employee, or agent of the Office of Banks and Real Estate shall, either during or after the holding of his or her term of office or employment, disclose confidential information concerning any regulated entity or person except as authorized by law or prescribed by rule. "Confidential information", as used in this Section, means any information that the person or officer obtained during his or her term of office or employment that is not available from the Office of Banks and Real Estate pursuant to a request under the Freedom of Information Act.

(Source: P.A. 97-492, eff. 1-1-12.)

(20 ILCS 3205/5) (from Ch. 17, par. 455)

Sec. 5. Powers. In addition to all the other powers and duties provided by law, the Commissioner shall have the following powers:

(a) To exercise the rights, powers and duties formerly vested by law in the Director of Financial Institutions under the Illinois Banking Act.

(b) To exercise the rights, powers and duties formerly vested by law in the Department of Financial Institutions under "An act to provide for and regulate the administration of trusts by trust companies", approved June 15, 1887, as amended.

(c) To exercise the rights, powers and duties formerly vested by law in the Director of Financial Institutions under "An act authorizing foreign corporations, including banks and national banking associations domiciled in other states, to act in a fiduciary capacity in this state upon certain conditions herein set forth", approved July 13, 1953, as amended.

(c-5) To exercise all of the rights, powers, and duties granted to the Director or Secretary under the Illinois Banking Act, the Corporate Fiduciary Act, the Electronic Fund Transfer Act, the Illinois Bank Holding Company Act of 1957, the Savings Bank Act, the Illinois Savings and Loan Act of 1985, the Savings and Loan Share and Account Act, the Residential Mortgage License Act of 1987, and the Pawnbroker Regulation Act of 2023.

(c-15) To enter into cooperative agreements with appropriate federal and out-of-state state regulatory agencies to conduct and otherwise perform any examination of a regulated entity as authorized under the Illinois Banking Act, the Corporate Fiduciary Act, the Electronic Fund Transfer Act, the Illinois Bank Holding Company Act of 1957, the Savings Bank Act, the Illinois Savings and Loan Act of 1985, the Residential Mortgage License Act of 1987, and the Pawnbroker Regulation Act of 2023.

(d) Whenever the Commissioner is authorized or required by law to consider or to make findings regarding the character of incorporators, directors, management personnel, or other relevant individuals under the Illinois Banking Act, the Corporate Fiduciary Act, the Pawnbroker Regulation Act of 2023, or at other times as the Commissioner deems necessary for the purpose of carrying out the Commissioner's

statutory powers and responsibilities, the Commissioner shall consider criminal history record information, including nonconviction information, pursuant to the Criminal Identification Act. The Commissioner shall, in the form and manner required by the Illinois State Police and the Federal Bureau of Investigation, cause to be conducted a criminal history record investigation to obtain information currently contained in the files of the Illinois State Police or the Federal Bureau of Investigation, provided that the Commissioner need not cause additional criminal history record investigations to be conducted on individuals for whom the Commissioner, a federal bank regulatory agency, or any other government agency has caused such investigations to have been conducted previously unless such additional investigations are otherwise required by law or unless the Commissioner deems such additional investigations to be necessary for the purposes of carrying out the Commissioner's statutory powers and responsibilities. The Illinois State Police shall provide, on the Commissioner's request, information concerning criminal charges and their disposition currently on file with respect to a relevant individual. Information obtained as a result of an investigation under this Section shall be used in determining eligibility to be an incorporator, director, management personnel, or other relevant individual in relation to a financial institution or other entity supervised by the Commissioner. Upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Illinois State Police Law, the Illinois State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.

(e) When issuing charters, permits, licenses, or other authorizations, the Commissioner may impose such terms and conditions on the issuance as he deems necessary or appropriate. Failure to abide by those terms and conditions may result in the revocation of the issuance, the imposition of corrective orders, or the imposition of civil money penalties.

(f) If the Commissioner has reasonable cause to believe that any entity that has not submitted an application for authorization or licensure is conducting any activity that would otherwise require authorization or licensure by the Commissioner, the Commissioner shall have the power to subpoena witnesses, to compel their attendance, to require the production of any relevant books, papers, accounts, and documents, and to conduct an examination of the entity in order to determine whether the entity is subject to authorization or licensure by the Commissioner or the Division. If the Secretary determines that the entity is subject to authorization or licensure by the Secretary, then the Secretary shall have the power to issue orders against or take any other action, including initiating a receivership against the unauthorized or unlicensed entity.

(g) The Commissioner may, through the Attorney General, request the circuit court of any county to issue an injunction to restrain any person from violating the provisions of any Act administered by the Commissioner.

(h) Whenever the Commissioner is authorized to take any action or required by law to consider or make findings, the Commissioner may delegate or appoint, in writing, an officer or employee of the Division to take that action or make that finding.

(i) Whenever the Secretary determines that it is in the public's interest, he or she may publish any cease and desist order or other enforcement action issued by the Division.

(Source: P.A. 102-538, eff. 8-20-21.)

(205 ILCS 510/Act rep.)

Section 90-10. The Pawnbroker Regulation Act is repealed.

Section 90-15. The Uniform Commercial Code is amended by changing Section 9-201 as follows:

(810 ILCS 5/9-201) (from Ch. 26, par. 9-201)

Sec. 9-201. General effectiveness of security agreement.

(a) General effectiveness. Except as otherwise provided in the Uniform Commercial Code, a security agreement is effective according to its terms between the parties, against purchasers of the collateral, and against creditors.

(b) Applicable consumer laws and other law. A transaction subject to this Article is subject to any applicable rule of law, statute, or regulation which establishes a different rule for consumers, including:

(1) the Retail Installment Sales Act;

(2) the Motor Vehicle Retail Installment Sales Act;

(3) Article II of Chapter 3 of the Illinois Vehicle Code;

(4) Article IIIB of the Boat Registration and Safety Act;

(5) the Pawnbroker Regulation Act of 2023;

(6) the Motor Vehicle Leasing Act;

(7) the Consumer Installment Loan Act; and

(8) the Consumer Deposit Security Act of 1987.

(c) Other applicable law controls. In case of conflict between this Article and a rule of law, statute, or regulation described in subsection (b), the rule of law, statute, or regulation controls. Failure to comply with a rule of law, statute, or regulation described in subsection (b) has only the effect such rule of law, statute, or regulation specifies.

(d) Further deference to other applicable law. This Article does not:

(1) validate any rate, charge, agreement, or practice that violates a rule of law, statute, or regulation described in subsection (b); or

(2) extend the application of the rule of law, statute, or regulation to a transaction not otherwise subject to it.

(Source: P.A. 91-893, eff. 7-1-01.)

Section 90-20. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2BBBB as follows:

(815 ILCS 505/2BBBB new)

Sec. 2BBBB. Violations of the Pawnbroker Regulation Act of 2023. Any person who violates Article 15 of the Pawnbroker Regulation Act of 2023 commits an unlawful practice within the meaning of this Act.

Article 99. Severability; Effective Date

Section 99-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Sims offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 779

AMENDMENT NO. 2 . Amend House Bill 779, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 35, line 24, by replacing "Mortgage" with "Multistate"; and

on page 36, line 5, by replacing "Mortgage" with "Multistate"; and

on page 37, line 8, by replacing "Mortgage" with "Multistate"; and

by replacing line 6 on page 38 through line 7 on page 39 with the following:

"Section 10-60. Pawnbroker annual report.

(a) The Department shall, in conjunction with advice from a professional association that represents 50 or more licensees, issue an annual report, via an Internet-based program, of aggregate pawnbroker activity within 180 days after the beginning of the calendar year. The report shall contain at a minimum:

(1) The number of licensed pawnbrokers.

(2) The total dollar amount financed.

(3) The total number of pawns for each value threshold set forth in subsection (c) of Section 15-10.

(4) The total dollar amount of extensions.

(5) The total number of extensions for each value threshold set forth in subsection (c) of Section 15-10.

(6) The average pawn dollar amount for each value threshold set forth in subsection (c) of Section 15-10.

(7) The average monthly finance charge for each value threshold set forth in subsection (c) of Section 15-10.

(8) The percentage of pawns surrendered to law enforcement.

(9) The percentage of total pawns surrendered to law enforcement by dollar amount.

(10) The percentage of pawns redeemed.

(11) The percentage of pawns extended.

(12) The total number of pawnbroker employees.

(13) The total number of licensees reporting.

(14) The total number of complaints received and resolved by the Department.

(15) The total number of defaulted pawn transactions reported to a credit bureau.

(16) The total number of defaulted pawn transactions sent to a collection agency.

(17) The total number of defaulted pawn transactions resulting in wage garnishment or legal action to collect.

(18) The total number of pawn transactions reported to law enforcement.

(b) The Secretary may retain qualified persons to prepare and report findings (1) identifying pawns and small dollar loans that are available to Illinois consumers, (2) collecting and analyzing pawns and loan-level data for small dollar loans, and (3) compiling aggregate data and trends for pawns and small dollar loans used by Illinois consumers. The Secretary shall make the report available to the Governor, the General Assembly, and the public.

In this subsection, "pawns and small dollar loans" means pawns and lending products with a value of $2,500 or less, including, but not limited to, pawns, consumer installment loans, and other extensions of credit, whether or not offered by entities chartered or licensed in Illinois."; and

on page 40, line 17, by replacing "subsections (a) and (b)" with "subsection (a)"; and

on page 42, line 8, by replacing "subsection (b)" with "subsection (a)"; and

on page 42, line 12, by replacing "subsection (b)" with "subsection (a)"; and

on page 42, line 19, by replacing "subsection (b)" with "subsection (a)"; and

on page 42, line 22, by replacing "subsection (b)" with "subsection (a)"; and

on page 43, line 1, by replacing "10-70. 10-70." with "10-70."; and

on page 48, line 26, by replacing "$500 or more and $1,500 or less" with "at or above $500 and less than $1,500"; and

on page 49, line 1, by replacing "of over $1,500" with "at or above $1,500"; and

on page 49, line 2, by replacing "$5,000 or less" with "less than $5,000"; and

on page 49, line 3, by replacing "of over $5,000" with "at or above $5,000".

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 Sims, **House Bill No. 779** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Loughran Cappel	Syverson
Aquino	Fine	Martwick	Toro
Belt	Fowler	McClure	Turner, D.
Bennett	Glowiak Hilton	Morrison	Turner, S.
Bryant	Halpin	Murphy	Ventura
Castro	Harris, N.	Peters	Villa
Cervantes	Harriss, E.	Plummer	Villanueva
Collins	Hastings	Porfirio	Villivalam
Cunningham	Holmes	Preston	Wilcox
Curran	Hunter	Rezin	Mr. President
DeWitte	Johnson	Simmons	
Edly-Allen	Koehler	Sims	
Ellman	Lewis	Stadelman	
Faraci	Lightford	Stoller	

This bill, having received the vote of three-fifths 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.

At the hour of 5:57 o'clock p.m., the Chair announced that the Senate stands adjourned until Thursday, November 9, 2023, at 10:00 o'clock a.m.